ADDRESS INCIVILITY,
HARASSMENT AND
DISCRIMINATION

WORKING GROUP ON RESPECTFUL WORKPLACES

IN POLICING

# **Acknowledgements**

This report was prepared in November 2024, by members of the Working Group on Respectful Workplaces in Policing, a cross-provincial working group co-chaired by the Toronto Police Service and Ontario Provincial Police comprised of police services across Ontario and beyond.

The Working Group would like to thank the Ontario Association of Chiefs of Police for endorsing and supporting this initiative since its inception in early 2022. The Working Group would also like to extend its appreciation for the support of the Toronto Police Association, Ontario Provincial Police Association, Ontario Senior Officers Police Association, and Police Associations of Ontario for providing indispensable feedback for these guiding documents.

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# **Executive Summary**

The Working Group created this document on Respectful Workplaces in Policing to provide a set of best practices, guidelines, and tools that can be implemented by every Ontario police service to guide and support the response to negative workplace behaviour, including harassment and discrimination, address conflict in a timely and effective manner, and respond more effectively to formal workplace complaints. The Working Group on Respectful Workplaces in Policing recommends that police services adopt these best practices and incorporate them into their policies, programs, and procedures. All Ontario Chiefs have been asked to endorse the best practices as a priority in their own service in recognition of their collective goal of promoting and supporting transformational culture change in police services.

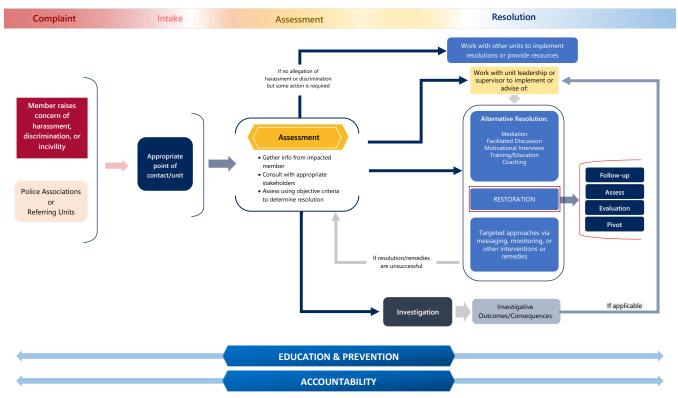
#### **Best Practices**

The process map on the following page provides a visual of the lifecycle of a workplace harassment or discrimination concern, from when it is first raised to how it is resolved: from complaint, to assessment, to investigation, to resolution. Education/prevention initiatives and accountability measures to address these matters should be embedded into an organization's overall workplace culture strategy. Building a fair, transparent and accountable process to address incivility, harassment, and discrimination is the backbone of an overall framework of building a healthy and respectful workplace, where members feel safe, supported and can thrive in their roles.



# Working Group on Respectful Workplaces in Policing

Supporting safe, respectful, and inclusive workplaces in policing



# **Background**

In recent years, many police services across Ontario have been exploring ways to address reviews, reports, HRTO decisions, grievances, and other feedback on the prevalence of workplace harassment and discrimination, and the barriers that inhibit services from achieving respectful, inclusive workplaces. In early 2021, the Toronto Police Services (TPS) and Ontario Provincial Police (OPP) committed to work in partnership to address these challenges. After collaboration with other Ontario police services, the TPS and OPP founded and now co-chair the Working Group on Respectful Workplaces in Policing. The Working Group has three objectives:

- 1. **to facilitate collaboration within the police sector** to support the elimination of harassment, including sexual harassment, discrimination, and other forms of incivility and disrespect in the workplace;
- 2. to promote and support transformational culture change in police services to create psychologically safe and inclusive workplaces through prevention, education, leadership and accountability; and
- to develop and support the implementation of tangible best practices in response to workplace concerns across police services that align with the Working Group's principles

The Working Group includes participants from over 25 police services, with subject-matter expertise in human resources, labour relations, professional standards, law, training and development, human rights, and equity, diversity, and inclusion. The Working Group has also consulted with key stakeholders including associations and has been endorsed by the Ontario Association of Chiefs of Police (OACP).

# Guiding Principles for the Working Group on Respectful Workplaces in Policing

The Working Group is committed to supporting safe, respectful, and inclusive workplaces in policing by creating best practices to prevent and respond to incivility, bullying, harassment, and discrimination. The following principles guide the Working Group and are reflected in the best practices developed for the policing sector:

- Our work focuses on recognizing, acknowledging, respecting, and valuing the inherent dignity of every person and their lived experiences, and establishing an inclusive workplace culture where all are physically and psychologically safe, valued, and respected
- 2. The Working Group seeks to promote and support transformational culture change, recognizing that our interpersonal interactions have a profound effect on each other and the communities we serve, and therefore must be founded on respect and inclusion.
- 3. Our work is based on sound principles and best practices, and will meet all legal, statutory and regulatory requirements and obligations (including the Occupational Health & Safety Act (OHSA), Ontario Human Rights Code (OHRC), Accessibility for Ontarians with Disability Act 2005 (AODA), Community Policing and Safety Act, 2019 (CSPA, 2019), and with consideration of relevant guidelines and recommendations.
- 4. We are committed to and are guided by the principles of diversity, inclusion, accessibility, equity, and administrative/procedural fairness in the development, application and review of systems, policies/governance, procedures and processes. This includes:
  - a. Consciously applying an anti-racist and anti-oppression lens to systems, policies, procedures and processes.
  - b. Consciously applying a gender-affirming lens including gender-identity and the spectrum of sexual orientation and expression in our processes, language and interactions.
  - c. Recognizing, acknowledging and affirming the intersectional identities and lived experiences of every individual.
  - d. Recognizing, acknowledging and addressing the disparate impact systems, policies, procedures, processes and practices may have on equity-deserving individuals and groups.

- 5. Processes developed and endorsed by the Working Group to address issues related to promoting a respectful workplace are:
  - a. accessible, timely, transparent, objective, honest, and bias-free
  - b. developed to hold Services and individuals accountable to these principles;
  - c. built on an approach which involves listening, acknowledging, learning, building trust and promoting options for resolution, restoration; and
  - d. is trauma informed.
- 6. Our work recognizes the impact of colonization, and support and champion the principles of indigenization and reconciliation.
- 7. We promote and support ongoing learning and awareness of the impact of all forms of discrimination, bullying and harassment, and provide strategies to address these issues.

#### Best Practices – Tools and Guidelines

The Working Group focused on five key themes, Intake & Triage, Investigations, Resolution & Restoration, Education and Prevention, and Accountability. Through consultation and collaboration, the Working Group developed tools and guidelines to support the ways in which complaints are received and assessed to determine the most appropriate venue for redress, whether through investigation or alternative resolution, and best practices to support investigations of harassment and discrimination complaints within police services with practical tools and guidelines. Best practices were also developed to support a broad range of resolution options and workplace restoration. In addition to these process-related themes, the Working Group developed guidance on the overarching themes of preventative measures, capacity-building, leadership development, culture change, and ensuring individual and organizational accountability.

The Ministry of Labour's Code of Practice to Address Workplace Investigations provides guidelines on how to conduct workplace investigations under the Occupational Health and Safety Act (OHSA). The Working Group's tools and guidelines set out best practices when responding to complaints and conducting workplace investigations that take into consideration the Ministry of Labor's Code of Practice and legal obligations under the CSPA, 2019, the OHRC, the OHSA, and other applicable legislation.

# Intake, Triage and Assessment

# **Triage Checklist**

# Respectful Workplace Intake & Triage Form - Instruction Sheet

This instruction sheet is intended to accompany the Intake & Triage form to help the Assessor(s) consider relevant factors when conducting the intake and assessment. Each heading corresponds to the headings on the Intake & Triage form.

The Intake & Triage form provides a standardized and consistent method for receiving and assessing complaints and other concerns brought forward by members regarding conflict, harassment, discrimination, and other negative workplace behaviour. The assessment considers the nature of the matter, the parties involved, and available options for resolution. It then determines, through triage, the most appropriate response.

#### **PRE-SCREENING**

Ensure any accessibility or other needs for the intake meeting are canvassed and accommodated (Ex. Disability-related needs, preferred meeting method and/or location, etc.).

Establish and support a trauma informed approach.

Advise the member they may request the presence of a support person for any meetings they attend to discuss their matter. Advise of any parameters around who may or may not act as a support person. Make note if the member declines a support person.

Advise the member (and any support person) of their rights regarding note taking and/or recording or capturing any part of the intake meeting by audio or visual means. Let the member know you will be taking notes (and if you are also recording).

# Ensure the member is reminded/advised of the following:

The information they provide in the intake meeting will remain confidential except in the following circumstances:

- the information disclosed compels the Service to act, including consulting with appropriate individuals on a need-to-know basis to determine whether or how to act;
- the information needs to be disclosed to ensure the member's safety and/or the safety of others; or
- the member agrees to engage in alternate dispute resolution involving others, or otherwise consents to the information being shared with others for the purposes of resolution.

The information collected will help [insert unit] assess their concerns and recommend appropriate next steps.

Advise the member that all complaints will be taken seriously but not all matters brought forward (or all complaints filed) will be investigated.

Resolution is encouraged wherever possible and appropriate. Various options for resolution may be available to them. Let them know that [insert unit/position] may need to review and approve how the matter is triaged and/or ultimately resolved.

At the conclusion of the meeting, advise the member of next steps, including the timelines and anticipated communications.

**CONTACT INFORMATION** [NOTE – this information may not need to be collected from the member if it is already provided in a written complaint]

# 1. Impacted Member

The **Impacted Member** is the member who has come forward with a concern or complaint that is the subject of the assessment:

- Confirm that the individual is a member of the police service?
- 2. Clarify whether the member is bringing the concern/complaint forward as:
  - The directly impacted member,
  - Bringing the matter forwards on behalf of others; or
  - A witness
- 3. Ensure you have all necessary contact information to follow up with them.
- 4. If the member wishes to remain anonymous, follow the Service's policy regarding anonymous complaints and advise the member accordingly.

# 2. Responding member(s)

The Responding Member(s) is the member who is the subject of the concerns/complaint brought forward by the Impacted Member. If the matter is triaged for Investigation, the Responding Member(s) will then be identified as the Respondent(s) in an investigation.

# 3. SUMMARY

In this section, ask the member why they came to [the unit] for assistance. What happened? Use a trauma informed approach to questioning, allowing the member to share in the manner that is most comfortable for them. If the member has filed a formal Complaint, do not ask them to retell their story. Use this section to ask clarifying questions and to allow the member to provide information they may not have included in the Complaint.

Consider the following (this list of questions is not exhaustive):

- Did the incident(s)/ and/or conduct take place within the workplace, including during a work-related event/activity or via social media?
- 2. Are you reporting comments/conduct that impacted you directly, or are you reporting on behalf of someone else?
- 3. Is it an isolated incident or part of a pattern of behaviour? Are others impacted?
- 4. When did each incident occur? (Take note of any timelines in your policy regarding formal complaints).
- 5. Did you speak to anyone else about this?
- 6. Was a supervisor notified? What did they do/not do? (For the assessor, consider if this requires additional follow up regarding failure to respond/disclose on the part of the supervisor)

If the impacted member uses generalized terminology (i.e. "I was bullied/harassed", "My work environment has been poisoned", ask probing questions to gather specific details in order to assess for appropriate resolution.

#### 4. AND 5. PREVIOUS ATTEMPTS TO ADDRESS THE MATTER

Previous attempts to resolve the matter are relevant considerations for triage and assessment however members are not required to have attempted resolution previously before bringing their concerns forward, and not all matters will be suitable for members to attempt resolution on their own. Consider the following:

- 1. How long has the matter been an issue/problem in the workplace?
- 2. What has, or has not already been attempted to resolve this issue?
- 3. Is the supervisor (or other management) aware of the situation? Have they taken any steps to address it? [OPTIONAL may not be appropriate to ask if the subject of the concern/complaint is the supervisor]

# 6. IMPACT OF THE INCIDENT(S)/ CONDUCT ON THE MEMBER(S)

The impact of the incident/concern is a relevant consideration for triage and assessment, as is the member's willingness to participate in resolution options. Consider the following:

- 1. How has the incident/concern impacted the member and others in the workplace?
- 2. Are they willing to participate in alternate resolution? (You can provide them with a description of the available options. Consider if they have enough information about resolution options and offer them the definitions for review and consideration. Consider explaining how alternate resolution options may benefit them and ask if they would be interested in speaking to someone in more detail.)

Depending on the extent of the impact on the workplace, consider if interim safety measures will be required [see page 3].

#### 7 and 8. IMPACTED MEMBER'S DESIRED RESOLUTION

If appropriate, discuss the options for Resolution (Alternate Resolution) or Complaint Response).

#### Assess the following:

- Are they willing (and ready) to participate in Alternate Resolution Options?
- Do they currently have the capacity to participate in any of these resolution options?
- What are their expectations for outcomes?
- What would be a reasonable outcome?

Impacted members may require some time to consider these options. Where appropriate, the member should be provided with information on the options and a defined time to consider before completing the Assessment. Advise the member that some requests for resolution or outcomes may have to be canvassed with their supervisor, management, HR, or others. [NOTE: if there are allegations against the supervisor or manager, consider how to proceed and who to involve]. When asking the member about their expectations or desired outcomes, be prepared to manage those expectations and advise them that some outcomes may not be reasonable.

# 9 and 10. SUPERVISOR/MANAGEMENT CONTACT INFORMATION

In this section consider who in management may need to be informed and/or consulted in this matter. Consider only those minimally required to know, in order to preserve confidentiality as much as possible.

Provide an overview of available wellness and/or other employee support services and indicate if the member wants to be connected with or referred to directly to those services.

#### 11. CONTACT INFORMATION

In this section, collect names and contact information of individuals who may have involvement in or information pertaining to the matter. Some of the individuals may become witnesses if the matter proceeds to investigation

Conclude the Intake Questions by acknowledging the member for coming forward and advising them on what to expect as next steps. Offer to connect the member with support services and make best efforts to ensure the member has access to support. SECTIONS TO BE COMPLETED BY THE ASSESSOR

# Particulars of the Incident(s) or Complaint - page 7

Once the Assessor has collected the relevant intake information from the Impacted Member, complete the Assessment using the triage criteria. The first step is to identify the particulars of the matter. If a formal complaint has been filed, the information can be taken from the complaint – but verified through intake. For example, the complaint may check a box that is not applicable based on the information provided (or confirmed) through the Intake questions.

#### Record of Consultation

The Assessor should consult with other areas in the Service as appropriate, including Human Resources and Professional Standards as well as the relevant managers. Record the consultations on Page 8. The Assessor should also determine if there are any ongoing or potential proceedings related to the subject of the Intake, including grievances, HRTO application and/or CSPA matters.

#### TRIAGE

The Triage Checklist on page 9 of the Intake & Triage form is to be completed by the Assessor(s). This is a qualitative evaluation of the information provided in the Intake to inform the Assessment Decision. [The Resolution Index in the attachment is an optional quantitative tool for triaging matters. The Service can adjust the rating scale and weighting in the Triage Checklist as appropriate].

The following questions may assist in assessing the matter and determining how it should be triaged:

# 1. Are there any immediate concerns for the physical and/or psychological safety of members?

- a. Is there a risk of immediate risk to the member or others, including but not limited to risk of serious injury or ongoing crime alleged? These risks may preclude options for alternate dispute resolution.
- b. Are there concerns for the psychological safety of the member or others? Is there a need to remove anyone from the work environment immediately, pending further investigation?

# 2. Is there enough information to assess the matter?

a. Are there concerns for the psychological safety of the member or others? Is there a need to remove anyone from the work environment immediately, pending further investigation?

# 3. Is the matter a concern that falls within the scope of the applicable procedure(s) or policy(ies) including the Service's policy on harassment and discrimination?

- a. The comments/conduct, if occurred as alleged, would amount to a policy violation consistent with OHSA and/or Ontario Human Rights Code (Code).
- b. The impacted member is covered by the organizational policy.
- c. Incident(s)/conduct occurred in the "workplace."
- d. Incident(s)/conduct occurred within any timelines set by policy.
- e. What is the most serious disciplinary outcome that could result for conduct of this nature?
- How frequent is the conduct/incident occurring?
- g. What level of risk does this alleged conduct/incident pose to the Service?
- h. Does the matter raise criminal or other misconduct allegations (CSPA)?

# 4. Are any alternate resolution options appropriate? See the list of available options attached.

- a. Impacted Member benefit from speaking to the individual/unit responsible (if applicable) for carrying out alternative resolutions to learn more?
- b. Is there a considerable power imbalance between the parties?
- c. Does the Impacted Member have the capacity (currently) to participate?
- d. Do the parties require third-party intervention to assist in resolution or can resolution be self-quided with limited third-party assistance?
- e. Have previous attempts to resolve this same issue between the parties already been unsuccessful?
- f. If the Impacted (and/or Responding) Member's manager is consulted, what is their view of the appropriateness of alternate resolution?

#### ASSESSMENT DECISION

Record the decision of the Assessor(s). Add additional notes to support next steps as appropriate. This could include identifying any interim restoration efforts to be considered should the matter proceed to an investigation (as a means to mitigate further conflict until the matter is resolved).

If the Service requires a second level approval, this can be recorded on page 11.

The Intake & Triage form should be maintained as a confidential document, with the exceptions to confidentiality noted on page 1.



# Appendix 1 - Intake & Triage Form

# Respectful Workplace Intake & Triage Form

Name of Individual Conducting the Intake (Assessor)	Date of Intake Meeting

Pre-Screening Questions:		
How would you like to be addressed during our communications? (Include any preferred pronouns)		
Do you have any accommodation needs per the Ontario Human Rights Code? (If at any time you require accommodation throughout this complaints process, please advise at that time.)		
Do you want to have a support person with you for this meeting?		
Have you filed a formal complaint under the Policy, Human Rights Code or with Professional Standards?		
Is there anything else you'd like to request or advise to help you participate effectively in this process?		
Following our discussion, if we need to contact you further, what is your preferred method of communication (e-mail, phone, text, video call)? If by phone, are we able to leave a message?		
Any additional notes, specific requests:		

# **INTAKE QUESTIONS**

Please see Glossary of Terms in the Instruction Sheet for definitions of parties

# **Contact Information**

1. Impacted member information (the person bringing the concern/complaint forward) * Indicate with an X anywhere they preferred not to answer		
Last Name	First Name	
Job Title		
Work Unit	Work Location	
Other information	· 	
(If the matter relates to more than one Respondi named	ing Member, retrieve contact information for all	
2. Responding Member(s)'s information * Indicate with an X anywhere they preferred not to answ	ver.	
Last Name	Name First Name	
Job Title		
Work Unit	Work Location	
Relation to the Impacted Member	•	

# **SUMMARY**

3. What prompted you to contact this office? What happened? (Describe the incident(s)/conduct or behaviour that you are concerned about)		
ATTEMPTS AT ALTERNATE/IMMEDIATE RESOLUTION		
4. What steps, if any, have been taken to address this issue? If none, are there any barriers to addressing the issue directly (i.e., power imbalance)?		
5. Does your supervisor, or a member of senior management know about this workplace issue and your concerns? Have they taken any steps to address it? (Optional – ask only if appropriate)		

# IMPACT OF THE INCIDENT(S)/ CONDUCT

6. How do you feel this workplace issue has impacted you (or others) in the workplace?		
7. What would you consider to be a reasonable outcome of this matter? What would be your		
expectations for resolution?		
8. Would you be willing to engage in Alternate Resolution Options (explain options available in your		
service - see list of available Resolution Options in the Instruction Sheet)		
If not, why not? [Note – consider the Impacted Member's capacity to participate]		

# SUPERVISOR/MANAGEMENT CONTACT INFORMATION

9. Immediate Supervisor Contact Information		
•		
Last Name	First Name	
Job Title		
Work Unit	Work Location	
WORK OTHE	Work Location	
Relationship to the Impacted Member		
Any specific information which can be shared or should be withh	ield?	
10. Next Level Manager Information		
Last Name	First Name	
Job Title	L	
NATION 1000		
W-Lu 5	Inc. I de la companya	
Work Unit	Work Location	
Relationship to the Impacted Member		
Any specific information which can be shared or should be withheld?		
Offer to connect the member with employee support services (	ex. HR, Wellness unit, etc.)	

# List any individuals with information or knowledge regarding the matters raised.

11. Contact Information		
Last Name	First Name	
Job Title	•	
Work Unit	Work Location	
Relationship (if any) to: Impacted	d and/or Responding Member(s)	
Nature of involvement:		
Contact Information		
Last Name	First Name	
Job Title	•	
Work Unit	Work Location	
Relationship (if any) to: Impacted	d and/or Responding Member(s)	
Nature of involvement:		
Contact Information		
Last Name	First Name	
Job Title		
Work Unit	Work Location	
Relationship (if any) to: Impacted	d and/or Responding Member(s)	
Nature of involvement:		

\*\* THANK THE MEMBER FOR BRINGING THEIR CONCERNS FORWARD \*\*

# THE FOLLOWING SECTIONS ARE TO BE COMPLETED BY ASSESSOR

Particulars of the Incident(s) OR Complaint
Alleged Policy/Procedure Violations
Personal harassment (harassment that is not related to a prohibited ground under the Code)
Discriminatory harassment (please identify the prohibited ground below if applicable)
Discrimination (please identify the prohibited ground below if applicable)
□ Failure to accommodate
Sexual harassment
Sexual solicitation and related reprisal
□ Hate activity
□ Interference with a workplace investigation
Contribution to a poisoned work environment
□ Failure of management to respond to/condoning harassment/discrimination
Retaliation/Reprisal for exercising one's right or responsibility under the Policy/Procedure
Other (violations of other policies or other forms of misconduct)
Harassment/Discrimination based on which prohibited Code grounds?
□ Age
□ Ancestry
□ Citizenship
Colour
□ Creed
□ Disability
□ Ethnic origin
□ Family status
□ Gender expression
□ Gender identity
□ Marital status
□ Place of origin
□ Race
□ Record of offenses
□ Sex
□ Sexual orientation
Notes:
1

Record of Consultation(s) – if any [i.e. HR, Impacted Member's manager, Professional Standards]		
Name(s)	Program Area	Comments

NOTE: Consultations may not be required if the assessment is conducted and/or reviewed by a group or committee.

Potential Parallel Processes	Area Consulted	Comments
i.e. Grievance	i.e. Labour Relations	

# TRIAGE

Triage Criteria	Comments by Member	Assessor's Comments
1. Impacted member's	-	
request for resolution		
(alternate/formal		
complaint investigation).		
Consider member's		
capacity to participate.		
2. Seriousness of alleged		
comments/conduct. Do		
the allegations, if true,		
amount to violations of		
the applicable		
harassment		
policy/procedure? Human		
Rights Code? (If so, which		
grounds?)		
3. Complexity (risk to		
organization, risk to		
member(s), overlapping		
processes – grievance,		
HRTO, multiple		
respondents)		
4. Stated impacts of the		
comments/conduct or		
incidents		
5. Previous attempts to		
resolve and/or success of		
previous attempts		
6. Frequency of incidents		
involving the impacted		
member(s)		
7. Previous		
incidents/patterns of		
behaviour involving other		
impacted members  8. Other relevant factors		
(Other proceedings, PSA		
considerations)		

NOTE: see Attachment 1 for an optional Resolution Index

# ASSESSMENT DECISION (Following Triage and Assessment) \*Resolution can occur at any time Matter meets the threshold of a violation of the Service's Policy or Procedure that addresses workplace harassment/discrimination. Response to Policy Violation: Discussion with supervisor or appropriate management designate ☐ Investigation - Internal ☐ Investigation – External Matter does not meet the threshold of a violation of the Service's Policy or Procedure that addresses workplace harassment/discrimination Recommended Resolution Option(s): Targeted approaches/intervention: e.g. messaging to and monitoring of, involved parties around conduct/behaviours or other interventions or remedies Consultative advice to supervisors/leaders ☐ Facilitated discussion with involved members (individuals or group) ☐ Healing circle(s) ☐ Mediation Coaching ☐ Training/Education ☐ Workplace Assessment Workplace restoration (as a resolution option OR as follow up to any resolution option) Other culturally appropriate options available to service List any details regarding next steps (ex. Interim restoration efforts if proceeding to investigation, who should manage/facilitate resolution; recommend initial review (evaluation) of complaint before proceeding to full investigation) Assessor's Rationale for their Decision

Name of Assessor & Unit	Date of Assessment Decision

REVIEW *optional of Assessment Decision ( <i>if required</i> )							
Approval of Assessor's Decision?	□ YES	□ NO					
Comments of Supervisory Authority (Record the rationale for Review decision and any further instructions):							

Name and Unit/Division/Branch carrying out **Supervisory Authority over Resolution Decision** (if any)

Date of Review by Supervisory Authority

# **Resolution Index - SAMPLE** [Note – this section is optional and can be customized by the Service]

A Resolution Index is a set of criteria used to determine how to best resolve the conflict or concern. It measures such things as severity/complexity and needs of the Participants. It ensures consistency of approach in triaging matters to the most appropriate route to resolution.

Resolution Index				
	Rating	Rating (1-5)	Weighting	Triage Score
Willingness to resolve;     Impacted member's     request for resolution     (alternate OR formal     complaint)	1= willingness to resolve/attempt to resolve 2=no willingness		15	
Seriousness of alleged comments/conduct	5=most serious		10	
Complexity (risk to organization, risk to member, overlapping processes i.e. grievance, HRTO, multiple respondents)	1=low risk/complexity 2=high risk/complexity		10	
Stated impacts of the comments/conduct or incidents	1=minimal impacts 2=significant impacts		15	
Previous attempts to resolve and/or success of previous attempts	1=no previous attempts 2=not successful		10	
Frequency of incidents     involving impacted     member	1=isolated incident 2=recurring		15	
7. Previous incidents/pattern of behaviour involving other impacted members	1=isolated incident 2=recurring		15	
8. Other relevant factors	1=no other factors		10	

	Ì	2=significant factors to be considered			,		
Total Triage Score				/40		100	/100
	Early/In	nformal	Formal				•
Rating	8-25		26-40				
Triage Score	20-75		76-100				

# Word Version Availability:

A customizable Microsoft Word version of the *Intake, Triage, and Assessment Form* is provided to allow police services to tailor the document to meet their specific operational needs and local requirements.

# **Appendix 2 - Intake & Triage Form Instructions**

This instruction sheet is intended to accompany the Intake & Triage form to help the Assessor(s) consider relevant factors when conducting the intake and assessment. Each heading corresponds to the headings on the Intake & Triage form.

Throughout the following best practices the reference to "intake" refers complaint reporting or gathering of information, versus data entry. If services have more than one point of entry or option for reporting conflicts/complaints (for example through Professional Standards, a Respectful Workplace Unit, HR) a high level of coordination will be required in order to ensure all legislative lenses are applied appropriately.

The Intake & Triage form provides a standardized and consistent method for receiving and assessing complaints and other concerns brought forward by members regarding conflict, harassment, discrimination, and other negative workplace behaviour. The assessment considers the nature of the matter, the parties involved, and available options for resolution. It then determines, through triage, the most appropriate response.

#### **PRE-SCREENING**

Ensure any accessibility or other needs for the intake meeting are canvassed and accommodated (Ex. Disability-related needs, preferred meeting method and/or location, etc.).

Establish and support a trauma informed approach.

Advise the member they may request the presence of a support person for any meetings they attend to discuss their matter. Advise of any parameters around who may or may not act as a support person. Make note if the member declines a support person.

Advise the member (and any support person) of their rights regarding note taking and/or recording or capturing any part of the intake meeting by audio or visual means. Let the member know you will be taking notes (and if you are also recording).

# Ensure the member is reminded/advised of the following:

The information they provide in the intake meeting will remain confidential except in the following circumstances:

- the information disclosed compels the Service to act, including consulting with appropriate individuals on a need-to-know basis to determine whether or how to act;
- the information needs to be disclosed to ensure the member's safety and/or the safety of others: or
- the member agrees to engage in alternate dispute resolution involving others, or otherwise consents to the information being shared with others for the purposes of resolution.

The information collected will help [insert unit] assess their concerns and recommend appropriate next steps. Clearly advise the member that this meeting is not an interview and you will not be taking a statement. Advise the member that if this matter is investigated, they will be interviewed by an investigator.

Advise the member that all complaints will be taken seriously but not all matters brought forward (or all complaints filed) will be investigated.

Resolution is encouraged wherever possible and appropriate. Various options for resolution may be available to them. Let them know that [insert unit/position] may need to review and approve how the matter is triaged and/or ultimately resolved.

At the conclusion of the meeting, advise the member of next steps, including the timelines and anticipated communications.

**CONTACT INFORMATION** [NOTE - this information may not need to be collected from the member if it is already provided in a written complaint]

# 1. Impacted Member

The **Impacted Member** is the member who has come forward with a concern or complaint that is the subject of the assessment:

- 1. Confirm that the individual is a member of the police service?
- 2. Clarify whether the member is bringing the concern/complaint forward as:
  - · The directly impacted member,
  - Bringing the matter forwards on behalf of others; or
  - A witness
- 3. Ensure you have all necessary contact information to follow up with them.
- 4. If the member wishes to remain anonymous, follow the Service's policy regarding anonymous complaints and advise the member accordingly.

# 2. Responding member(s)

The Responding Member(s) is the member who is the subject of the concerns/complaint brought forward by the Impacted Member. If the matter is triaged for Investigation, the Responding Member(s) will then be identified as the Respondent(s) in an investigation.

# SUMMARY

3. In this section, ask the member why they came to [the unit] for assistance. What happened? Use a trauma informed approach to questioning, allowing the member to share in the manner that is most comfortable for them. If the member has filed a formal Complaint, do not ask them to retell their story. Use this section to ask clarifying questions and to allow the member to provide information they may not have included in the Complaint.

Consider the following (this list of questions is not exhaustive):

- 1. Did the incident(s)/ and/or conduct take place within the workplace, including during a work-related event/activity or via social media?
- 2. Are you reporting comments/conduct that impacted you directly, or are you reporting on behalf of someone else?

- 3. Is it an isolated incident or part of a pattern of behaviour? Are others impacted?
- 4. When did each incident occur? (Take note of any timelines in your policy regarding formal complaints).
- 5. Did you speak to anyone else about this?
- 6. Was a supervisor notified? What did they do/not do? (For the assessor, consider if this requires additional follow up regarding failure to respond/disclose on the part of the supervisor)

If the impacted member uses generalized terminology (i.e. "I was bullied/harassed", "My work environment has been poisoned", ask probing questions to gather specific details in order to assess for appropriate resolution.

#### PREVIOUS ATTEMPTS TO ADDRESS THE MATTER

4. and 5. Previous attempts to resolve the matter are relevant considerations for triage and assessment however members are not required to have attempted resolution previously before bringing their concerns forward, and not all matters will be suitable for members to attempt resolution on their own. Consider the following:

- 1. How long has the matter been an issue/problem in the workplace?
- 2. What has, or has not already been attempted to resolve this issue?
- 3. Is the supervisor (or other management) aware of the situation? Have they taken any steps to address it? [OPTIONAL - may not be appropriate to ask if the subject of the concern/complaint is the supervisor]

#### 6. IMPACT OF THE INCIDENT(S)/ CONDUCT ON THE MEMBER(S)

The impact of the incident/concern is a relevant consideration for triage and assessment, as is the member's willingness to participate in resolution options. Consider the following:

1. How has the incident/concern impacted the member and others in the workplace?

2. Are they willing to participate in alternate resolution? (You can provide them with a description of the available options. Consider if they have enough information about resolution options and offer them the definitions for review and consideration. Consider explaining how alternate resolution options may benefit them and ask if they would be interested in speaking to someone in more detail.)

Depending on the extent of the impact on the workplace, consider if interim safety measures will be required [see page 3].

### 7 and 8. IMPACTED MEMBER'S DESIRED RESOLUTION

If appropriate, discuss the options for Resolution (Alternate Resolution or Complaint Response).

### Assess the following:

- Are they willing (and ready) to participate in Alternate Resolution Options?
- Do they currently have the capacity to participate in any of these resolution options?
- What are their expectations for outcomes?
- What would be a reasonable outcome?

Impacted members may require some time to consider these options. Where appropriate, the member should be provided with information on the options and a defined time to consider before completing the Assessment. Advise the member that some requests for resolution or outcomes may have to be canvassed with their supervisor, management, HR, or others. [NOTE: if there are allegations against the supervisor or manager, consider how to proceed and who to involve]. When asking the member about their expectations or desired outcomes, be prepared to manage those expectations and advise them that some outcomes may not be reasonable.

### 9 and 10. SUPERVISOR/MANAGEMENT CONTACT INFORMATION

In this section consider who in management may need to be informed and/or consulted in this matter. Consider only those minimally required to know, in order to preserve confidentiality as much as possible.

Provide an overview of available wellness and/or other employee support services and indicate if the member wants to be connected with or referred to directly to those services.

### 11. CONTACT INFORMATION

In this section, collect names and contact information of individuals who may have involvement in or information pertaining to the matter. Some of the individuals may become witnesses if the matter proceeds to investigation.

Conclude the Intake Questions by acknowledging the member for coming forward and advising them on what to expect as next steps. Offer to connect the member with support services and make best efforts to ensure the member has access to support. SECTIONS TO BE COMPLETED BY THE ASSESSOR

- 1. How long has the matter been an issue/problem in the workplace?
- What has, or has not already been attempted to resolve this issue?
- 3. Is the supervisor (or other management) aware of the situation? Have they taken any steps to address it? [OPTIONAL - may not be appropriate to ask if the subject of the concern/complaint is the supervisor]

### Particulars of the Incident(s) or Complaint – page 7

Once the Assessor has collected the relevant intake information from the Impacted Member, complete the Assessment using the triage criteria. The first step is to identify the particulars of the matter. If a formal complaint has been filed, the information can be taken from the complaint - but verified through intake. For example, the complaint may check a box that is not applicable based on the information provided (or confirmed) through the Intake questions.

### **Record of Consultation**

The Assessor should consult with other areas in the Service as appropriate, including Human Resources and Professional Standards as well as the relevant managers. Record the consultations on Page 8. The Assessor should also determine if there are any ongoing or potential proceedings related to the subject of the Intake, including grievances, HRTO application and/or CSPA matters.

### TRIAGE

The Triage Checklist on page 9 of the Intake & Triage form is to be completed by the Assessor(s). This is a qualitative evaluation of the information provided in the Intake to inform the Assessment Decision. [The Resolution Index in the attachment is an optional quantitative tool for triaging matters. The Service can adjust the rating scale and weighting in the Triage Checklist as appropriate].

The following questions may assist in assessing the matter and determining how it should be triaged:

- 1. Are there any immediate concerns for the physical and/or psychological safety of members?
  - a. Is there a risk of immediate risk to the member or others, including but not limited to risk of serious injury or ongoing crime alleged? These risks may preclude options for alternate dispute resolution.
  - b. Are there concerns for the psychological safety of the member or others? Is there a need to remove anyone from the work environment immediately, pending further investigation?
- 2. Is there enough information to assess the matter?
  - a. If not, what information needs to be collected before the matter can be triaged?
- 3. Are there any immediate concerns for the physical and/or psychological safety of members?
  - a. The comments/conduct, if occurred as alleged, would amount to a policy violation consistent with OHSA and/or Ontario Human Rights Code (Code).
  - b. The impacted member is covered by the organizational policy.
  - c. Incident(s)/conduct occurred in the "workplace."
  - d. Incident(s)/conduct occurred within any timelines set by policy.
  - e. What is the most serious disciplinary outcome that could result for conduct of this nature?
  - f. How frequent is the conduct/incident occurring?
  - g. What level of risk does this alleged conduct/incident pose to the Service?
  - h. Does the matter raise criminal or other misconduct allegations (CSPA)?

### 4. Are any alternate resolution options appropriate? See the list of available options attached.

- a. Does the Impacted Member agree to try any resolution options? Would the Impacted Member benefit from speaking to the individual/unit responsible (if applicable) for carrying out alternative resolutions to learn more?
- b. Is there a considerable power imbalance between the parties?
- c. Does the Impacted Member have the capacity (currently) to participate?
- d. Do the parties require third-party intervention to assist in resolution or can resolution be self-quided with limited third-party assistance?
- e. Have previous attempts to resolve this same issue between the parties already been unsuccessful?
- f. If the Impacted (and/or Responding) Member's manager is consulted, what is their view of the appropriateness of alternate resolution?

### ASSESSMENT DECISION

Record the decision of the Assessor(s). Add additional notes to support next steps as appropriate. This could include identifying any interim restoration efforts to be considered should the matter proceed to an investigation (as a means to mitigate further conflict until the matter is resolved).

If the Service requires a second level approval, this can be recorded on page 11 of the form.

The Intake & Triage form should be maintained as a confidential document, with the exceptions to confidentiality noted on page 1.

# Investigations



The purpose of this document is to create a set of best practices when conducting internal harassment and discrimination investigations which may or may not result in misconduct findings under the Community Safety and Policing Act, 2019 (CSPA). The Ministry of Labour's Code of Practice to Address Workplace Investigations provides guidelines on how to conduct a workplace investigation under the Occupational Health and Safety Act (OHSA). The below constitutes a best practices document when conducting these investigations that takes into consideration the Ministry of Labor's Code of Practice and legal obligations under OHSA, the CSPA, the Ontario Human Rights Code (the Code), and other applicable legislation.

The Working Group on Respectful Workplaces in Policing ("Working Group") recommends that police services adopt the guidance in this document and incorporate it into their governance and practices.

The chart in Appendix A maps the legislative Code of Practice guidelines to practical best practice application within the operational structure of a police service. The chart also includes guiding principles that provide additional information on the rationale or purposefor the recommendations made, with a focus on a trauma-informed approach.

### The chart addresses:

- The requirement for a police service to have a workplace harassment program and policy;
- Reporting requirements of incidents that may constitute harassment under applicable legislation;
- The requirements of investigation and handling of complaints of harassment and discrimination, including notices of investigation, interview process, and evidence gathering;
- Special considerations during an investigation including representation of investigation participants, confidentiality, and CSPA implications;
- · Communication of the results of the investigation; and
- Training of supervisors and investigators when conducting harassment investigations.

### Overview

Reports, reviews, surveys, HRTO complaints, and expert insights have continuously shed light in recent years on the barriers to creating a respectful and inclusive workplace in policing. As such, there has become a recognized need to examine how workplace investigations, in particular, contribute to these barriers; in particular, to identify the gaps and challenges in these processes that address concerns raised.

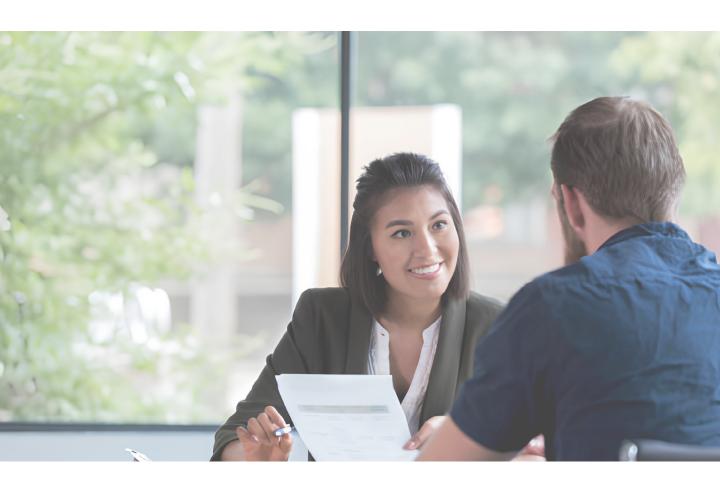
Traditional approaches to internal workplace harassment and discrimination investigations are rooted in strict application of the legislation that governs police discipline. For allegations involving workplace harassment and discrimination, there are specific requirements under OHSA and the Code which may be overlooked in the existing disciplinary investigation, or necessitates a separate investigation. As a result, police services put themselves at substantial risk for non-compliance with applicable legislation, resulting in inefficiencies and duplication of process causing delays, overburdened resources, negative impacts to participants and reputational damage.

The legislative framework under the CSPA, 2019 impacts workplace harassment and discrimination investigations, by providing, among other things, greater clarity on covered conduct and flexibility in conducting investigations. Section 30 of the Code of Conduct now includes a prohibition of "workplace violence or workplace harassment, including workplace sexual harassment, as those terms are defined in the Occupational Health and Safety Act." Additionally, section 198(3) permits the chief of police to request a third party to investigate where appropriate.

Workplace investigations, particularly those involving harassment and discrimination, are notably distinct from police or criminal investigations. Some of the most important differences include:

- Intent is irrelevant for a finding of harassment or discrimination to be made;
- Where appropriate, alternative resolutions should be considered in lieu of, before, during or after the investigation process;
- Investigators must be equipped with sufficient knowledge, training and experience in areas relating to human rights and workplace harassment/discrimination;

- Investigators should utilize a trauma-informed approach in handling workplace harassment and discrimination matters. This could include, but is not limited to, taking into account the desired outcome of the person raising the concern, accessibility or supports required by parties, avoiding scheduling interviews where the parties or witnesses will encounter each other, expediency of the investigation, transparency in the process and regular communication with the parties, and confidentiality considerations to mitigate the risk (perceived or otherwise) of retaliation; There are stricter timelines around workplace investigations; and
- Regular updates should be provided to both parties and the employer throughout the investigation.



### **Key Guidance**

For workplace harassment and discrimination investigations, police services should adopt the following key considerations, which are also discussed in further detail in Appendix A:

- Conducting a single investigation consisting of application and interpretation of all applicable legislation – OHSA, the Code and the CSPA – results in an efficient, consistent, transparent, and trauma-informed process and in most cases involving allegations of harassment and/or discrimination is the most appropriate means of investigating the issues;
- A single investigative process may result in one report or two reports that discuss findings and analysis under applicable legislation, depending on the circumstances and upon weighing the relevant challenges and opportunities as outlined in Appendix B;
- Investigators must possess the requisite background and expertise in workplace harassment and discrimination investigations;
- Complainants require a summary of the investigative findings and measures taken to address the violations as required under OHSA;
- Resolutions and other interventions must be incorporated into processes to provide alternatives to a formal investigation, where appropriate, as well as meaningful remedial measures and to ensure real behavioural change. Such resolutions could include but are not limited to mediation, coaching, training, workplace restoration, and consultative advice to supervisors; and
- Police services may need to consider departmental/unit restructuring to ensure better collaboration and coordination in workplace investigations.

## **Appendix A: Code of Practice Application to Policing**

GUIDELINE	BEST PRACTICE CONSIDERATIONS	GUIDING PRINCIPLES
WORKPLACE HARASSMENT PROGRAM		
The workplace harassment program must be developed and maintained in consultation with the joint health and safety committee or health and safety representative (if one is present in the workplace).  It must include all of the following.  1. Measures and procedures for workers to report workplace harassment to the employer or supervisor, including specific individual(s) or position(s) so that it is clear to whom workers should report or file a complaint of workplace harassment.  2. Measures and procedures for workers to report workplace harassment to a person other than the employer or supervisor is the alleged harasser, so that it is clear to whom workers should report incidents of workplace harassment.  a. If the alleged harasser is a supervisor, the designated person may be a human resources representative, a department responsible for handling workplace harassment complaints, a health and safety consultant or other person designated by the employer.  b. If the employer is the alleged harasser, the employer must designate a person who is not under the direct control of the alleged harasser.	<ul> <li>Policy should outline to whom harassment and discrimination should be reported, and this reporting structure should be outlined in the service's policy or procedure. Historically, police services required that any complaints be reported up to the chain of command to professional standards, human resources or legal departments. These departments would liaise with the Chief, Chief's office, or a designate as defined within the police service to determine the route to take with the complaint. In more recent years, police services have looked to establish independent units comprised of individuals, particularly those with subject matter expertise in human rights and/or conflict resolution, to engage in this process. For more information, please refer to the best practices developed by the Intake and Assessment section (page 6).</li> <li>Weighing several objective criteria, including careful consideration of the statutory requirements under the applicable legislation and the desired outcome of the individual who brought the concern forward, alternative resolution options should be presented to the parties. This could occur in lieu of, before, during or after an investigation.</li> </ul>	<ul> <li>The purpose is to create a best practice when conducting internal harassment and discrimination investigations which may or may not result in misconduct findings under the CSPA, while focusing on a traumainformed approach.</li> <li>The report must specifically outline the elements/provisions of the Code and OHSA as defined by the statute itself and case law. An analysis must be conducted and the report should not merely be made up of conclusive statements that an incident amounted to harassment.</li> </ul>

GUIDELINE	BEST PRACTICE CONSIDERATIONS	GUIDING PRINCIPLES
WORKPLACE HARASSMENT PROGRAM		
The workplace harassment program must be developed and maintained in consultation with the joint health and safety committee or health and safety representative (if one is present in the workplace).  It must include all of the following.  1. Measures and procedures for workers to report workplace harassment to the employer or supervisor, including specific individual(s) or position(s) so that it is clear to whom workers should report or file a complaint of workplace harassment.  2. Measures and procedures for workers to report workplace harassment to a person other than the employer or supervisor, if the employer or supervisor is the alleged harasser, so that it is clear to whom workers should report incidents of workplace harassment.  a. If the alleged harasser is a supervisor, the designated person may be a human resources representative, a department responsible for handling workplace harassment complaints, a health and safety consultant or other person designated by the employer.  b. If the employer is the alleged harasser, the employer must designate a person who is not under the direct control of the alleged harasser.	For more information, please refer to the best practices developed by the Intake and Assessment (page 6) and Resolution and Restoration (page 82) sections.  • OHSA requires employers to conduct an investigation where there are allegations of workplace harassment or violence. The Code prohibits discrimination in the area of employment on the basis of Code-protected grounds. The jurisprudence under the Code has established that part of this prohibition includes a duty on the employer to investigate and address allegations of discrimination. The CSPA defines misconduct and establish duties to address it. In instances where the subject member of a complaint of discrimination and harassment is a uniform officer, the investigation will require an analysis under all three statutes: OHSA, the Code and the CSPA.  • The recommended best practice is to conduct one investigation, where possible, that encompasses a review of the complaint under all applicable legislation (i.e. completing the required OHSA/Code investigation and having an additional investigator, if required, review the matter from a CSPA misconduct lens only, conducting further interviews and evidence collection if required).	<ul> <li>The purpose is to create a best practice when conducting internal harassment and discrimination investigations which may or may not result in misconduct findings under the CSPA, while focusing on a traumainformed approach.</li> <li>The report must specifically outline the elements/provisions of the Code and OHSA as defined by the statute itself and case law. An analysis must be conducted and the report should not merely be made up of conclusive statements that an incident amounted to harassment.</li> </ul>

GUIDELINE	BEST PRACTICE CONSIDERATIONS	GUIDING PRINCIPLES
WORKPLACE HARASSMENT PROGRAM		
	The investigation shall be conducted by someone who has the appropriate training, knowledge and experience in the areas of workplace harassment and discrimination.	
	The report of investigation following a single investigation, required under the CSPA, can be in the form of one or two reports. This depends on whether the unit charged with investigating the matter has investigators with the knowledge, skills and abilities to conduct an investigation under all three statutes, or, for example, the investigation involves criminal allegations that require specialized expertise from a different unit or area.	
	The above best practice is something to strive for understanding the practicalities and limitations presented within individual police services. That being said, police services may need to consider departmental reorganization or re-allocation of resources in order to adopt these approaches.	
	It may be the case where a police service is unable to conduct one investigation and chooses to conduct two investigations (separating the OHSA/Code components from the CSPA component)	

GUIDELINE	BEST PRACTICE CONSIDERATIONS	GUIDING PRINCIPLES
WORKPLACE HARASSMENT PROGRAM		
	See Appendix B (page 66) on discussion of number of investigations and reports.	
	It may further be the case that a police service chooses to deviate from its usual practice of conducting one or two investigations when it takes into consideration the facts of each specific case (such as the need for an external investigator and/or another policy agency to conduct the investigation(s))	
	In the case where one investigation is practical, it is important to conduct the investigation under OHSA, the Code and applicable jurisprudence, and the CSPA. This investigation must be completed by individual(s) with the appropriate training, knowledge, and experience, whether civilian or uniform. The unit, area, or branch to conduct the matter should be one that engenders trust among members that their concern will be investigated in an effective, equitable, respectful, inclusive and culturally competent manner.	
	Should two investigations occur, the OHSA/Code investigation should be done first. After this investigation is completed and if workplace harassment or discrimination has been substantiated, an investigation under the CSPA, largely consisting of a paper review of the first investigation, should be conducted.	

GUIDELINE	BEST PRACTICE CONSIDERATIONS	GUIDING PRINCIPLES
WORKPLACE HARASSMENT PROGRAM		
	<ul> <li>The CSPA investigation, or "paper review," can be done externally by another police agency if required.</li> <li>If at any time criminal allegations are made or criminal conduct is identified then both OHSA and CSPA investigations will be held in abeyance while the area that conducts criminal investigations, either internally or externally, conducts the criminal investigation.</li> </ul>	
	See Appendix B (page 66) for further guidance on whether to conduct one or two investigations and considerations for each.	

GUIDELINE	BEST PRACTICE CONSIDERATIONS	GUIDING PRINCIPLES
REPORTING INCIDENTS		
the following information:  a. Name(s) of the complainant(s) and contact information  b. Name of the alleged harasser(s), position and contact information (if known)  c. Names of the witness(es) (if any) or other person(s) with relevant	<ul> <li>Each service should create a complaint form that is filled out directly by the person reporting the concern. If it is not practically possible for the complainant to fill out the form, the person receiving the complaint should fill out the form on the complainant's behalf to the best of their ability.</li> <li>The complaint form should be created utilizing the best practices as developed by the Intake and Assessment section (page 6).</li> </ul>	Allowing complainants to articulate their own account of what occurred, rather than a supervisor on their behalf, ensures that the complaint brought forward accurately encapsulates their concerns and experience, keeping in mind that the goal is to promote an environment where people feel safe to come forward.      Must create a psychologically safe and confidential process to facilitate complainants coming forward.

GUIDELINE	BEST PRACTICE CONSIDERATIONS	GUIDING PRINCIPLES
REPORTING INCIDENTS		
d. Details of what happened including date(s), frequency and location(s) of the alleged incident(s)  i. Any supporting documents the worker who complains of harassment may have in his/her possession that are relevant to the complaint  ii. List any documents a witness, another person or the alleged harasser may have in their possession that are relevant to the complaint.	<ul> <li>Each service should create a complaint form that is filled out directly by the person reporting the concern. If it is not practically possible for the complainant to fill out the form, the person receiving the complaint should fill out the form on the complainant's behalf to the best of their ability.</li> <li>The complaint form should be created utilizing the best practices as developed by the Intake and Assessment section (page 6).</li> <li>The best practice shall also include canvassing avenues of alternative resolution, beyond mediation, at the outset and during the intake process, subject to any duty to investigate under specified criteria outlined by the Intake and Assessment (page 6) section and/or OHSA.</li> </ul>	<ul> <li>Allowing complainants to articulate their own account of what occurred, rather than a supervisor on their behalf, ensures that the complaint brought forward accurately encapsulates their concerns and experience, keeping in mind that the goal is to promote an environment where people feel safe to come forward.</li> <li>Must create a psychologically safe and confidential process to facilitate complainants coming forward.</li> </ul>

### **INVESTIGATION AND HANDLING OF A COMPLAINT**

Occupational Health and Safety Act, s. 32.0.7 (1)(a), (b) and (c):

- To protect a worker from workplace harassment, an employer shall ensure that,
  - b. an investigation is conducted into incidents and complaints of workplace harassment that is appropriate in the circumstances:
  - c. the worker who has allegedly experienced workplace harassment and the alleged harasser, if he or she is a worker of the employer, are informed in writing of the results of the investigation and of any corrective action that has been taken or that will be taken as a result of the investigation;
  - d. the program developed under section 32.0.6 is reviewed as often as necessary, but at least annually, to ensure that it adequately implements the policy with respect to workplace harassment required under clause 32.0.1 (1) (b)[.]

### **INVESTIGATION AND HANDLING OF A COMPLAINT**

Human Rights Code, RSO 1990 c H 19 at ss. 5 and 9:

### **Employment**

**5**(1) Every person has a right to equal treatment with respect to employment without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status or disability.

### Harassment in employment

(2) Every person who is an employee has a right to freedom from harassment in the workplace by the employer or agent of the employer or by another employee because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status or disability.
[...]

- -

### Infringement prohibited

9 No person shall infringe or do, directly or indirectly, anything that infringes a right under this Part.

### Code Jurisprudence

Laskowka v Marineland of Canada Inc., 2005 HRTO 30 at para 53:

[53] It would make the protection under s. 5(1) [of the Code] to a discrimination-free work environment a hollow one if an employer could sit idly when a complaint of discrimination was made and not have to investigate it. If that were so, how could it determine if a discriminatory act occurred or a poisoned work environment existed? The duty to investigate is a "means" by which the employer ensures that it is achieving the Code-mandated "ends" of operating in a discrimination-free environment and providing its employees with a safe work environment.

Nelson v Lakehead University, 2008 HRTO 41 at paras 90-93:

[90] It is well established in the Tribunal's jurisprudence that included in the right to employment without discrimination in s. 5(1) [of the Code] is a duty not to condone or further a discriminatory act that has already occurred and a duty on an employer to investigate a complaint of discrimination.

[...]

[92] The rationale underlying the duty to investigate a complaint of discrimination is to ensure that the rights under the Code are meaningful.

[...]

[93] The jurisprudence has established that the content of the duty is to take reasonable steps to address allegations of discrimination.

### **INVESTIGATION AND HANDLING OF A COMPLAINT**

### Community Safety and Policing Act, 2019 SO 2019 c 1 Sched 1

79 (5) A chief of police may delegate in writing any of his or her powers and duties under this Act or the regulations to a member of the chief of police's police service, subject to any limitations, conditions or requirements set out in the delegation.

[...]

198 (1) A chief of police may conduct an investigation in order to determine if a police officer who is a member of the chief's police service, other than a deputy chief of police, has engaged in conduct that constitutes misconduct or unsatisfactory work performance.

### Police Services Act, RSO 1990 c P 15 at ss. 76(1) and 94(4):

76 (1) A chief of police may make a complaint under this section about the conduct of a police officer employed by his or her police force, other than the deputy chief of police, and shall cause the complaint to be investigated and the investigation to be reported on in a written report.

[...]

94 (4) A chief of police may delegate his or her powers and duties under this Part, other than the powers and duties described in subsection (1), to any member of any police force. [Note: this includes making a complaint and/or causing the complaint to be investigated and the investigation reported on in a written report.]

#### GUIDELINE **BEST PRACTICE CONSIDERATIONS GUIDING PRINCIPLES** Occupational Health and Safety Act, s. 32.0.7 Depending on the nature and Formal investigations have (1)(a), (b) and (c) severity of the allegation, the potential to expose the form of an "investigation" complainants to further that is "appropriate in the trauma. Where relatively minor To protect a worker from workplace harassment, an employer shall ensure circumstances" can varv. For incidents can appropriately be relatively minor incidents, addressed without putting the a. an investigation is conducted baseline fact-finding and complainant at risk for further into incidents and complaints of coaching conversations or emotional harm, reprisal, or workplace harassment that is other alternative resolutions other negative impacts, it appropriate in the circumstances; may be sufficient, for example, is best to do so. Alternative as long as the measures resolutions may also satisfy taken are handled promptly, the goal of the person b. the worker who has allegedly experienced workplace objectively, confidentially, and reporting the concern as an harassment and the alleaed thoroughly. appropriate way to address harasser, if he or she is a worker the matter, empowering All incidents and outcomes of the employer, are informed will be recorded in the complainants and giving them in writing of the results of appropriate file as determined agency in the process. the investigation and of any In deciding whether to by the organization. corrective action that has been address the complaint via Best practice is to ensure that taken or that will be taken as a any corrective action being alternative resolutions, it's result of the investigation; taken after the harassment important to ensure that investigation has been the resolution still meets the c. the program developed under conducted is communicated organization's obligations section 32.0.6 is **reviewed as** under the applicable to the complainant by the often as necessary, but at legislation and jurisprudence. appropriate party. **least annually**, to ensure that This may be challenging it adequately implements the if coupled with a CSPA policy with respect to workplace investigation where the harassment required under clause complainant becomes a 32.0.1 (1) (b); witness. Appropriate Investigation The best practice is to Decisions around formality of the investigation should consider the conduct an investigation An employer must ensure an investigation appropriate in the seriousness of the allegations. appropriate in the circumstances is circumstances to determine a conducted when: course of action. The triagers for an investigation are a. the employer or a supervisor becomes addressed at the intake and aware of an incident of workplace assessment stage. harassment by the worker who Investigations should also use allegedly experienced it or another a trauma-informed approach to protect the psychological worker; or health and safety of all b. a complaint, whether in writing or parties to the extent possible. verbal, of workplace harassment is For example, in some made to the employer, supervisor or circumstances it may be the employer's designated person. best to have a phone call or meeting with the respondent

to provide them

GUIDELINE	BEST PRACTICE CONSIDERATIONS	GUIDING PRINCIPLES
	the summary of allegations when the allegations are serious/distressing prior to commencing the interview portion of the investigation.  To reiterate, there can be two types of investigations – formal investigations and fact finding investigations.	
An investigation must be completed within 90 calendar days or less unless there are extenuating circumstances warranting a longer investigation (e.g. more than five witnesses, key witness unavailable due to illness).	Dovetailing this with requirements under CSPA which requires the chief of police (or designate) to "endeavour to ensure" that the investigation is concluded in 120 days (s.198(9)).  If delays arise, such as party going on medical leave, association representatives or legal counsel not being available in a timely basis, ensure the delays are well documented and reasonable.  It is important to note that the service, as the employer, has a duty to accommodate those on leave. When conducting an investigation and an issue of accommodation arises, the service should consider if there are any options available to accommodate the individual that would still allow the investigation to continue and not be held in abeyance until the individual returned. This may include but is not limited to offering the attendance of a support animal or support person; limiting time for each interview session; conducting the interview virtually; aligning interviews with therapy/EFAP appointments so support occurs immediately afterwards.	Police services should always keep in mind alternatives and accommodations that may need to occur throughout the investigation process.

GUIDELINE	BEST PRACTICE CONSIDERATIONS	GUIDING PRINCIPLES
	<ul> <li>Should a doctor's note be presented indicating the member is unable to participate in the investigation, it is important for the police service to seek clarification on the limitations and offer accommodations – as listed above – in order to complete the investigation.</li> <li>A consideration of last resort would be providing the questions in writing and receiving a written response. When deciding to utilize this option, one should assess the need to have the investigation completed sooner rather than later. One notable limitation to this approach is the difficulty to assess credibility in a written format.</li> <li>It may sometimes be useful to use the written format when simple follow up on clarification or factual questions is needed.</li> </ul>	
Objective investigation  The supervisor, manager or person conducting the investigation must not be the alleged harasser and must not be under the direct control of the alleged harasser.  The person must be able to conduct an objective investigation.	All investigators utilized, whether internal or external, shall have appropriate training, experience and/ or background. Ideally, individuals should have experience conducting workplace harassment and discrimination investigations. Where resources allow, police services should consider hiring civilians who have specialized expertise as workplace investigators or lawyers.	Where a service decides to build capacity internally for its investigators, the training should provide participants with a deep understanding of harassment and discrimination and help dispel unconscious biases and stereotypes. It should be focused on creating a trauma-informed and psychologically safe process for all parties. It should also be practical, with an emphasis on skills development. Ideally, the program would be customized to policing and address the differences in analyses under the CSPA, OHSA, and the Code/jurisprudence.

GUIDELINE	BEST PRACTICE CONSIDERATIONS	GUIDING PRINCIPLES
	<ul> <li>Specifics related to training can be found under Guideline "Training Supervisors and Investigators." The investigators, whether conducting an investigation under any of the three statutes (OHSA, CSPA or the Code/jurisprudence) need not be sworn members and can be civilian members, regardless of the status (either sworn or civilian) of the complainant and respondents, as long as they have the proper authority within the organization or approval from the appropriate authority within the organization and proper training.</li> <li>If a perceived bias or conflict exists (i.e. personal relationship, professional rank disparity, or prior professional working relationship) that is not remediated by assigning the investigation to another investigator, an external investigator.</li> <li>If an external investigator is required, the service should consider if they have worked with the service before, if so in what capacity, and whether they had or have any involvement with the specific parties involved in the matter at hand.</li> <li>Serious consideration should always be given to hiring an external investigator when members of senior administration are subjects of an investigation.</li> </ul>	

GUIDELINE	BEST PRACTICE CONSIDERATIONS	GUIDING PRINCIPLES
REQUIRED STEPS		
The supervisor, manager or designated person conducting the investigation on behalf of the employer must, at a minimum, complete the following seven steps to an investigation:		
1. The investigator must ensure the investigation is kept confidential and identifying information is not disclosed unless necessary to conduct the investigation or as required by law.  The investigator must remind the worker who allegedly experienced workplace harassment, the alleged harasser(s) and any witnesses of any confidentiality requirements under the employer's workplace harassment program.	<ul> <li>While all harassment scenarios are different, only those who need to know in order to properly carry out the investigation or address the allegations must be notified. This shall be outlined in the service's policy or procedure. For example, if a member is working in the same vicinity as the alleged respondent, the supervisor should be made aware. Conversely, it is not always appropriate for the entire chain of command to be aware of an allegation from a front-line member, particularly where the alleged respondent is within the chain of command.</li> <li>Confidentiality requirements and agreements may be included in the notice of investigation to all parties, complainants, witnesses and respondents. All notices of investigation are signed by the receiving party. This serves as acknowledgment of the notice as well as agreement to the confidentiality provisions contained therein. These provisions should also be in the harassment complaint form, including outlining that there will be disciplinary action or other consequences if they breach confidentiality.</li> </ul>	<ul> <li>In sharing information as it relates to the investigation, police services must keep in mind the need to promote and maintain a safe process where trust in the system and integrity of the investigation is paramount.</li> <li>Organizations or external investigators may have practices that do not require the signing of a confidentiality agreement. For example, confidentiality provisions should be outlined in the procedure and notice of investigation of the organization and this may be considered by the organization to be sufficient to enforce confidentiality requirements and breaches.</li> </ul>

GUIDELINE	BEST PRACTICE CONSIDERATIONS	GUIDING PRINCIPLES
	<ul> <li>While it is not a requirement that confidentiality agreements be used, the investigator should make it clear in writing or verbally that there may be consequences to discussing the investigation and that it is necessary to maintain the integrity of the investigation and respect people's privacy rights.</li> <li>Should any member wish to have an Association representative and/or legal counsel present during their interview, a separate confidentiality agreement may be signed by them if the organization decides it is necessary. Should the organization choose to use a confidentiality agreement and there is a refusal to sign the confidentiality agreement, another document should be provided to the person which outlines their rights and obligations during the investigation.</li> <li>Any allegations of reprisal should be immediately brought to the attention of the investigator to investigate. Should reprisal or a breach of confidentiality occur, police services should impose disciplinary action or other consequences.</li> </ul>	

		1
Interviewing Complainant and Respondent  2. The investigator must thoroughly interview both the worker who has allegedly experienced workplace harassment and the alleged harasser(s), if the alleged harasser(s) is a worker of the employer.  If the alleged harasser is not a worker of the employer, the investigator must make reasonable efforts to interview the alleged harasser, if the alleged	the complainant first.	interview parties (respondent, complainant, and witnesses) the police service should make a decision that would uphold confidentiality (the less people that know the better), a safe process, and integrity in the investigation (limit swaying of view points).  • When conducting interviews, the police service should consider any special needs or accommodations requested by the interviewee.
harasser is known to the employe	o The investigator may choose to vary from the above in certain circumstances that require it (i.e. the initial complainant intake and information gathering stage leads to the conclusion that witnesses will be able to fill in blanks that need to be put to the respondent).	<ul> <li>In some instances, it may be best to align the interview with an appointment with a mental health provider to ensure they have the appropriate supports.</li> <li>The investigator should be well trained in assessing the credibility and reliability of all parties and steer clear of making stereotypical assumptions regarding how a complainant should respond or appear (ie in</li> </ul>
	<ul> <li>External parties should only be interviewed if their evidence is critical to a finding.</li> <li>Follow up interviews may be necessary with the complainant or respondent in some cases. Parties should be advised of this possibility so they are not surprised if they are asked to partake in a second interview.</li> <li>Consideration should be given to whether the interview should be conducted in person, virtually or by phone. In-person and virtual interviews are generally</li> </ul>	sexual harassment cases a complainant may not respond or appear as the investigator would expect but this should not lead to a negative credibility assessment).
	preferable as it is easier to assess credibility and establish rapport in a face-to-face meeting.	

GUIDELINE	BEST PRACTICE CONSIDERATIONS	GUIDING PRINCIPLES
3. The alleged harasser(s) must be given the opportunity to respond to the specific allegations raised by the worker.  In some circumstances, the worker who has allegedly experienced workplace harassment should be given a reasonable opportunity to reply.	<ul> <li>Procedural fairness requires that, unless there are exceptional circumstances, respondents be made aware of the allegations so that they can provide a complete response.</li> <li>Summary of allegations should contain the information necessary to obtain an informed response from the respondent. Unnecessary details should be avoided to maintain confidentiality.</li> <li>Summary of allegations should provide the facts, and not necessarily the meaning prescribed to the allegation. In doing so the investigator should be clear in the following: the allegations may be paraphrased or grouped together, are not necessarily the words used by the complainants, further details and context will be provided during the interview, and the summary is to remain confidential and not to be shared.</li> </ul>	<ul> <li>Take care to protect the psychological well-being of the respondent when notifying them of the complaint as it can be very distressing to receive a complaint.</li> <li>It should be considered by the investigator whether in person meetings should be held with the complainant and respondent prior to initiating the interview process stage of the investigation. This could allow for the parties to understand the process and ask any important questions. These in person meetings may also assist in opening the door to discussing workplace restoration or other alternative resolutions.</li> <li>In providing a summary of allegations, care should be given to not change the intent of the allegation, detract from the allegation or further inflame the situation or cause reprisal. It should be done in a neutral factual manner.</li> </ul>

GUIDELINE	BEST PRACTICE CONSIDERATIONS	GUIDING PRINCIPLES
	Summaries of allegations should be provided to respondents at least 48 hours in advance of the interview where practical. Should an involved party go off on leave during the investigation and the investigator determines they cannot proceed in the party's absence, the matter should be held in abeyance for thirty (30) days. At that time, the appropriate person should reach out to the party to determine whether any accommodations can occur to conduct the interview or further the investigation (this is outlined above under 'Timelines"). This should occur in 30-day intervals until the investigation can conclude.  If the investigation is delayed as a result of a party's absence, the other party should, to the extent appropriate, be advised of the delay. In some instances, it may be possible and necessary to proceed in the party's absence to conclude the investigation. Such a decision should be made in conjunction with the investigator and legal counsel. In making this determination the considerations should include but not be limited to: seriousness of the allegations, impact on the complainant to wait (or go ahead), and the duty to accommodate and whether a party might argue that it is discriminatory to proceed without their evidence if they are unable to participate due to medical reasons.	Note on compellability: Employees, whether captured under the CSPA or not, are compellable and must participate in investigations. Care should be taken when deciding whether, as an employer, the matter requires an exercise of management rights to order an employee to participate by taking into consideration all relevant factors. Such factors should include whether they are a respondent versus a witness, is their evidence required in order to make a finding, their current mental state, etc. A trauma-informed approach should be taken at all times and the employer should keep in mind their duty to accommodate.

GUIDELINE	BEST PRACTICE CONSIDERATIONS	GUIDING PRINCIPLES
4. The investigator must separately interview any relevant witnesses employed by the employer who may be identified by either the worker who has allegedly experienced workplace harassment, the alleged harasser(s) or as necessary to conduct a thorough investigation.  The investigator must make reasonable efforts to interview any relevant witnesses who are not employed by the employer if there are any identified by either the worker who has allegedly experienced workplace harassment, the alleged harasser(s) or as necessary to conduct a thorough investigation.	<ul> <li>The investigator will be responsible for determining who they need to interview to conclude the investigation. It may not always be necessary to interview all witnesses put forward by the parties, particularly if the names put forth did not directly witness the conduct or the investigator already has sufficient corroboration to make a determination on the balance of probabilities (or, more likely than not).</li> <li>External parties should only be interviewed if absolutely necessary (i.e., if the information is critical and goes to the heart of the investigation and cannot be obtained any other way).</li> <li>The investigator should not typically provide a summary of the allegations to witnesses. Instead, if the investigator deems it necessary the witness can be provided dates so that they may gather any applicable documentation to be prepared for the interview.</li> <li>Witnesses should be provided reasonable notice of an interview. Reasonable notice may change based on the specifics of the incident and should be handled on a caseby-case basis. Generally speaking, a witness who does not have any jeopardy can be given 24 to 48 hours notice of an interview.</li> </ul>	Factors an investigator should take into consideration are: interview those who have relevant knowledge of the issues; only interview those who have direct knowledge; and not interviewing someone who is simply a character witness or might only have hearsay evidence.  Please see above note on compellability.

GUIDELINE	BEST PRACTICE CONSIDERATIONS	GUIDING PRINCIPLES
5. The investigator must collect and review any relevant documents.	<ul> <li>Documents obtained in the course of an investigation should be obtained in a legal manner consistent with internal policies.</li> <li>Documents can and should be gathered from both the police service and the parties.</li> <li>Document review should include a review of all applicable policies.</li> <li>Physical documents, if provided, should be kept in a safe and secure location.</li> </ul>	
The investigator must take appropriate notes and statements during interviews with the worker who has allegedly experienced workplace harassment, the alleged harasser and any witnesses.	Consideration should be given to whether interviews should be recorded and a formal statement be taken, or whether one or the other of these options is sufficient or desired. The formal statement can be drafted by the investigator and signed off on by the individual who gave the statement. Parties shall not be allowed to record their interview.  Should subsequent proceedings occur, it may become necessary to disclose the formal statements and recordings to the respondent and other parties as required by law.	Recording a statement may reduce the need to reinterview parties and assist in reducing the subjectivity in a written formal statement.  If taking a statement in writing, allow the interviewee to review the statement and make any necessary changes before signing off on it. Written statements should only contain what the interviewee says and not other subjective observations.

GUIDELIN	IE	BEST PRACTICE CONSIDERATIONS	GUIDING PRINCIPLES
Reports 7.	The investigator must prepare a written report summarizing the steps taken during the investigation, the complaint, the allegations of the worker claiming harassment, the response from the alleged harasser, the evidence of any witnesses and the evidence gathered.  The report must set out findings of fact and come to a conclusion about whether workplace harassment was found or not  The report must be provided to the employer, supervisor or designated person to take appropriate action	<ul> <li>If the investigation is being conducted internally, an internal standard report template should be utilized to ensure consistency. The report should include a summary of all relevant evidence provided by complainant, respondent and witnesses and must outline the fact-finding endeavour in detail. The report should not be a verbatim account of the interviews taken.</li> <li>An executive summary should be drafted by the investigator that encompasses a brief description of the allegations and findings.</li> <li>It may sometimes be appropriate for the complainant, respondent or witnesses to be anonymized in the report. However, the starting point should be to identify the witnesses. The names of witnesses and/or other identifying information can later be redacted if necessary to witnesses or ensure a safe work environment for them.</li> <li>It is important that the correct standard of proof be applied to harassment and discrimination investigations. The standard of proof is a balance of probabilities (i.e., it is more likely than not).</li> <li>The investigator is to make findings of fact and assess whether the conduct constitutes harassment based on the reliability and credibility of all parties and evidence obtained throughout the course of the investigation.</li> </ul>	<ul> <li>The report should be written with future redaction in mind (i.e., are witnesses named or are they anonymous).</li> <li>The report should not be inflammatory or express subjective opinion.</li> <li>Police services should keep in mind that communications with external investigators may be subject to production at any proceeding stemming from the investigation.</li> <li>If the external investigator is a lawyer, the communications are not protected by privilege.</li> <li>If a summary of findings is to be provided to the complainant and/or respondent, it should be provided at an in-person meeting.</li> <li>In holding this meeting, the police service should take into consideration the time of the day, the day of the week, and the schedule of the parties involved (i.e. these meetings should not be held near the end of the day on the last day of the member's work week prior to their time off).</li> <li>A summary of findings must be provided to the complainant and respondent in OHSA matters.</li> <li>The content of the summary of findings should be brief and outline the findings. The summary should avoid commentary on information obtained throughout the course of the investigation that does not speak to the allegations.</li> </ul>

GUIDELINE	BEST PRACTICE CONSIDERATIONS	GUIDING PRINCIPLES
	<ul> <li>Note: Reliability and credibility assessments are acquired skills which should be included in all proper training of investigators. Briefly, credibility is an assessment of how believable and trustworthy evidence is whereas reliability is how dependable the evidence is.</li> <li>The report should be reviewed by a committee or individuals comprised of which could include the investigator, a subject matter expert in human rights, professional standards, legal, labour relations, the Chief, or a designated supervisor or senior officer. The committee or group of individuals will be responsible for determining applicable consequences, including discipline and any additional necessary remedial measures.</li> <li>If there is expertise available in alternative resolutions, these individuals should be involved in the decisionmaking process and provide recommendations.</li> <li>Should a matter be deemed to be of a more serious nature, pursuant to the CSPA, a notice of hearing must be issued, and the formal discipline process commenced.</li> <li>Discipline proceedings or action do not preclude other avenues being pursued as restoration options. Please refer to Resolution and Restoration Framework.</li> </ul>	<ul> <li>In CSPA matters, the entire report should be provided to the respondent, unless to do so might prejudice an investigation or prosecution.</li> <li>In determining whether other avenues of remedy will be pursued (regardless of discipline proceedings or corrective action) individual accountability should be of paramount importance.</li> <li>Internal policies should address the idea that even if discipline will not be imposed this does not preclude the necessity and management right to mandate education and training for involved parties.</li> <li>Internal procedures should address the assessment of, and objective factors in, findings that may result in demotion or termination.</li> </ul>

GUIDELINE	BEST PRACTICE CONSIDERATIONS	GUIDING PRINCIPLES
OTHER CONSIDERATIONS		
Association and legal representation	<ul> <li>Complainants and respondents have the right to be accompanied by an association representative during interviews.</li> <li>Association representatives should be different for each involved party (this does not extend to witnesses) to avoid any real or perceived conflict and to maintain the integrity of the investigation. Consideration should be given by the organization as to whether the above requirement should be put in the notice of investigation.</li> <li>Representations shall not be allowed to attend if they themselves are a witness.</li> <li>Legal counsel should be allowed to attend interviews for respondents and complainants, not witnesses as no jeopardy attaches to them. It is not a legal requirement to allow legal counsel to attend interviews and instances may arise where police services determine they must depart from this best practice (i.e., legal counsel represents more than one respondent).</li> <li>Investigators should make it clear that both Association representatives and legal counsel should not interfere with the interview. They are not allowed to answer questions for the client.</li> <li>If a support person is requested, consideration of this request should occur as long as they are not tied to the investigation and understand the importance of confidentiality.</li> </ul>	The principles of confidentiality and fair process are of paramount importance  [discuss how support persons can be beneficial for complainants/respondents]

GUIDELINE	BEST PRACTICE CONSIDERATIONS	GUIDING PRINCIPLES
CSPA Considerations	<ul> <li>It is important that at the outset of an investigation, the respondent be informed of their jeopardy, under all applicable legislation (OHSA, the Code and the CSPA) in a clear and sufficient manner</li> <li>Frequent check in points should occur in which the investigator(s) reassesses the jeopardy of the respondent. The respondent shall receive additional service of notice if the jeopardy changes throughout the investigation(s).</li> <li>The service can provide one notification to the parties (page 79) that they are being investigated under OHSA/the Code and the CSPA. In other situations, particularly if there is reason to separate the investigations, the service may issue two separate notices: one to address harassment and the other to address CSPA, should it be a sworn member.</li> <li>If two investigations are being conducted, it is important to keep in mind that reinterviewing parties should be a last resort. A review of the statements, whether audio or written, should be completed from the first investigation in order to maintain investigative integrity, credibility and reliability. It is only if it is determined that the investigators need more information or clarification should they re-interview the parties.</li> <li>It is best practice for the investigator to ask the party to adopt their statement made under the preceding investigation in overtigation in order to maintain investigation in and under the preceding investigation</li> </ul>	<ul> <li>Notice should be given regarding both investigations at the same time to limit any potentially adverse psychological impacts on the respondent.</li> <li>Police service should keep in mind trauma sensitivity, and the impact two investigations will have on the parties involved, specifically the complainant, when considering whether to conduct one investigation or two.</li> </ul>

GUIDELINE	BEST PRACTICE CONSIDERATIONS	GUIDING PRINCIPLES
	If two investigations are occurring, and the harassment investigation is conducted first, the harassment report and investigative materials should be shared in full with the CSPA investigators to avoid inconsistent findings. The reverse is true as well in which a CSPA investigation leads to an OHSA investigation.	
RESULTS OF THE INVESTIGATION		
The employer must ensure that the results of the investigation and any corrective action are provided to the worker who allegedly experienced workplace harassment and the alleged harasser, if they are a worker of the employer, in writing.  The results of the investigation are not the same as the investigation report. The results of the investigation are a summary of the findings of the investigation.  The results must be communicated in writing within 10 calendar days of the investigation being concluded to the worker who has experienced the alleged harassment.	<ul> <li>At the conclusion of a harassment investigation, the respondents and the complainants should be provided the result of the investigation with a summary outlining how that decision was reached and any corrective action that is or has been taken.</li> <li>The full investigative report should not be shared, especially in light of CSPA considerations, to avoid risk of reprisals, and any further analysis that may need to be conducted.</li> <li>Minimal evidence should be provided and a confidentiality provision should be attached given that in some cases, there may be a subsequent CSPA investigation involving the respondents.</li> <li>Should the CSPA and OHSA investigations have been conducted together, and the misconduct is substantiated the report will eventually become disclosable as part of productions in this matter.</li> </ul>	<ul> <li>Always keep in mind when drafting letters and reports that they could be disclosed at a later date whether subject to a summons, misconduct proceeding, grievance, etc.</li> <li>While the OHSA does not require an employer to provide a summary of the findings but rather just the finding and whether there will be corrective action, it is best practice to briefly summarize the findings by outlining factors in order to provide closure and understanding to the parties.</li> <li>The purpose of the debriefing is to notify the parties of the outcome, provide closure, potentially move towards alt resolutions/workplace restoration etc.</li> <li>When holding debriefings, it is always important to remember that all meetings should be held in a safe place with the member's psychological welfare being taken into consideration.</li> </ul>

GUIDELINE	BEST PRACTICE CONSIDERATIONS	GUIDING PRINCIPLES
	<ul> <li>Should the CSPA and OHSA investigations have been conducted together, and the misconduct was unsubstantiated, the report or summary of findings could be disclosed to the respondent immediately.</li> <li>It is best practice that the findings letter should be done by the investigator, whether internal or external</li> <li>The service should hold a debriefing meeting with the complainant and respondent, separately, depending on the outcome of the investigation. Generally, the organization should have those involved in the investigative process hold the debriefing meeting however there may be circumstances where the investigator, specifically if the investigation has been conducted externally, is asked to conduct the meeting, especially if there is a real or perceived conflict that caused the investigation to be external in the first place.</li> <li>The meeting should be kept as small and informal as possible.</li> </ul>	Findings should never be communicated via e-mail/writing without first speaking to the complainant/respondent and seeking out their preference.

GUIDELINE	BEST PRACTICE CONSIDERATIONS	GUIDING PRINCIPLES
The employer must also ensure that any corrective action taken (or to be taken), if any, is communicated to the worker who allegedly experienced workplace harassment and the alleged harasser(s), if the alleged harasser is a worker of the employer.  The amount of information provided about the corrective action will depend on the circumstances but must indicate what steps the employer has taken or will take to prevent a similar incident of workplace harassment if workplace harassment was found.  The corrective action, if any, must be communicated in writing within 10 calendar days of the investigation being concluded.	<ul> <li>Should a harassment investigation result in a finding of harassment, the service should conduct a review of their policies and practices in place to address any large-scale issues and take preventative action for future harassment.</li> <li>It is possible to impose training or remediation prior to a CSPA finding if the appropriate parties believe this would be beneficial. In some cases, the extent of the harassment will be known after the harassment investigation. A committee can be struck including Professional Standards to determine if it would rise to the level of formal misconduct and if a full CSPA investigation is necessary. This would be the case if two investigations were to occur. This may lessen the time between harassment findings and corrective action.</li> <li>Should any serious issues be uncovered during the harassment investigation, and prior to the CSPA investigation, additional steps can be taken by the service to prevent harassment in the interim. Such steps can include suspension, movement of individuals to reduce contact, or other workplace adjustments.</li> <li>Findings and corrective action taken should be tracked in a centralized location to ensure a consistent approach for future instances of harassment and to ensure follow through on any corrective action.</li> </ul>	Of paramount importance is the principle of accountability

GUIDELINE	BEST PRACTICE CONSIDERATIONS	GUIDING PRINCIPLES
C. Review the workplace harassment program  The employer must ensure its workplace harassment program is reviewed annually or when any gaps or deficiencies in its program are identified as a result of an investigation.	Establish a process for annual review of investigation procedures, especially as they relate to workplace harassment, discrimination/human rights, workplace violence, and any companion policies on civility.      Establish an auditing process to have a sample of investigations conducted in the previous year reviewed against the best practice standard to ensure it was met. If deficiencies are noted, practices can be revisited and revised to ensure the best practices are being met.      Consideration should be given to developing a survey for participants in an investigation for feedback on the process	
TRAINING SUPERVISORS AND INVESTIGATORS		
Occupational Health and Safety Act, s. 32.0.8		
An employer shall provide a worker with,		
<ul> <li>a. information and instruction that is appropriate for the worker on the contents of the policy and program with respect to workplace harassment</li> </ul>		
Supervisors and managers must be provided with additional information and instruction, on how to recognize workplace harassment and how to handle a complaint of workplace harassment.	In addition to training and education being provided to all employees at the beginning of their employment regarding the Code, OHSA and the CSPA Code of Conduct, at the time of promotion to sergeant, staff sergeant, civilian supervisors, or manager, or any other supervisory position, harassment training should occur by an accredited individual or company.	

GUIDELINE	BEST PRACTICE CONSIDERATIONS	GUIDING PRINCIPLES
	<ul> <li>Training should be interactive and scenario based. Police services should strive to conduct training once per year on what constitutes harassment and discrimination and obligations under the internal policy. It should also include comprehensive training on how to hold people accountable, addressing the importance of civility in the workplace and addressing less serious behaviours before they escalate.</li> <li>Training should be progressive for all supervisors and managers and build off the previous year's training.</li> <li>Training should be live but can leverage technology to provide remote training and include interactive videos, quizzes and a brief test at the end to measure training appropriateness and effectiveness.</li> <li>It is best practice that the training have an evaluative component.</li> <li>The above does not speak to generalized harassment training that should be delivered to all members but specialized training that allows all members to recognize harassment and how to effectively and appropriately handle it.</li> <li>Full training details will be found in best practices of the Education and Prevention section.</li> </ul>	

GUIDELINE	BEST PRAC	TICE CONSIDERATIONS	GUIDING PRINCIPLES
Investigators whether a manager, supervisor, human resource representative or a person designated by the employer, must receive information and instruction on how to conduct an investigation appropriate in the circumstances, including not to disclose identifying information unless it is necessary to conduct the investigation, take corrective action or otherwise required by law.	discrim shall re once e an acc compo an inve e an inve e backg in cond harass baselin include o when the condition of the con	ernal harassment and mination investigators eceive refresher training every two years from credited individual or any on how to conduct estigation.  Dose with little to no round or experience ducting workplace ement investigations, the learnings should estigation and gender-based the arassment, including bullying, workplace emobbing, sexual and gender-based the arassment and discrimination, including systemic discrimination, including systemic discrimination the difference between the difference betw	• The investigation training should provide participants with a deeper understanding of harassment and discrimination and help dispel unconscious biases and stereotypes. It should be focused on creating a trauma-informed and psychologically safe process for all parties. It should also be practical, with an emphasis on skills development. Ideally, the program would be customized to policing and address the differences between investigations under the CSPA and investigations under the OHSA and the Code/jurisprudence.

GUIDELINE	BEST PRACTICE CONSIDERATIONS	GUIDING PRINCIPLES
	o understanding the impact of trauma and cognitive biases on parties	
	o procedural fairness in the context of a harassment and discrimination investigation	
	o identifying and minimizing unconscious bias of investigators	
	o getting beyond "he said/ she said/they said"	
	o trauma-informed interviewing skills and techniques	
	<ul> <li>assessing credibility and weighing evidence,</li> </ul>	
	o applying the correct standard of proof and making legally	
Joint health and safety committee or health and safety representatives (if any) must receive information and instruction on the employer's workplace harassment program including how to help a worker report an incident of workplace harassment and resources available to a worker who has allegedly experienced harassment.	<ul> <li>Yearly, the units or areas responsible for conducting harassment investigations shall report to the Joint Health &amp; Safety Committee on the harassment policy and inform them how a member reports an incident of harassment and what resources are available to the member who has experienced harassment.</li> <li>This information should also be communicated to the Peer Support Team, or similar, if the service has such a resource.</li> </ul>	

GUIDELINE	BEST PRA	CTICE CONSIDERATIONS	GUIDING PRINCIPLES
Investigators whether a manager, supervisor, human resource representative or a person designated by the employer, must receive information and instruction on how to conduct an investigation appropriate in the circumstances, including not to disclose identifying information unless it is necessary to conduct the investigation, take corrective action or otherwise required by law.	discrishall once an accompanin on the second of the second	ternal harassment and imination investigators receive refresher training every two years from accredited individual or coany on how to conduct vestigation.  In ose with little to no aground or experience aducting workplace assment investigations, aline learnings should de:  What is and is not harassment, including bullying, workplace mobbing, sexual and gender-based harassment, racism and other forms of harassment the difference between harassment and discrimination, including systemic discrimination the difference between workplace harassment and/or discrimination under OHSA and the Code, and misconduct under the CSPA why harassment/discrimination persists in police culture and the importance of addressing less serious behaviours	The investigation training should provide participants with a deeper understanding of harassment and discrimination and help dispel unconscious biases and stereotypes. It should be focused on creating a trauma-informed and psychologically safe process for all parties. It should also be practical, with an emphasis on skills development. Ideally, the program would be customized to policing and address the differences between investigations under the CSPA and investigations under the OHSA and the Code/jurisprudence.

# APPENDIX B: PROCEDURAL CONSIDERATIONS WHEN DETERMIN-ING TYPE OF INVESTIGATION

CONSIDERATIONS WHEN CONDUCTING ONE INVESTIGATION (OHSA/CSPA COMBINED) OR TWO **INVESTIGATIONS (OHSA FIRST, CSPA SECOND)** 

INVESTIGATION / REPORT	OPPORTUNITIES	CHALLENGES
ONE INVESTIGATION AND ONE REPORT		
Regardless of number of investigations or reports, a notice of investigation must occur at outset of any investigation under both OHSA/the Code and CSPA. This can be done on the same form or separate forms. (Templates below)	<ul> <li>Protection of members' psychological wellbeing in the sense that they are only interviewed once</li> <li>Increased reliability (reduces concern of receiving two different statements from same individual)</li> <li>Increased credibility (reduces concern that there will be discussion in between investigations)</li> <li>Increased efficiency which leads to shorter investigative timeframe and quicker resolutions/outcomes (and, particularly, the ability to meet CSPA timeframes)</li> <li>Overall protection of investigative integrity</li> <li>Allows all expertise to be considered during one process which will assist in completing a fulsome, thorough investigation</li> <li>Similar standards of proof in investigative processes (OHSA requires a balance of probabilities while CSPA requires a reasonable grounds standard – however practically speaking they amount to the same amount of evidence being needed to make a finding but must be cognizant of wording in drafting one report to capture both)</li> </ul>	Report may become disclosable under CSPA realm which may result in disclosure of sensitive information obtained under OHSA investigation that may not be directly relevant to CSPA matter Participants may be less willing to be open frank and willing to take accountability during interview if CSPA misconduct is being investigated at the same time Notices of Investigation must clearly outline the compellability of complainants and witnesses in both the CSPA and OHSA realm.

INVESTIGATION / REPORT	OPPORTUNITIES	CHALLENGES
ONE INVESTIGATION AND TWO REPORTS		
Regardless of number of investigations or reports, a notice of investigation must occur at outset of any investigation under both OHSA/the Code and CSPA. This can be done on the same form or separate forms. (Templates below)	<ul> <li>Protection of members psychological wellbeing in the sense that they are only interviewed once</li> <li>Increased reliability (reduces concern of receiving two different statements from same individual)</li> <li>Increased credibility (reduces concern that there will be discussion in between investigations)</li> <li>Overall protects investigative integrity</li> <li>Allows all expertise to be considered during one process which will assist in completing a fulsome, thorough investigation</li> <li>Two reports would allow the investigator(s) to draft according to appropriate standard of proof</li> <li>Two reports would assist in keeping confidential sensitive information obtained that may not be relevant in the CSPA matter / analysis.</li> </ul>	Participants may be less willing to be open, frank and willing to take accountability during interview if CSPA misconduct is being investigated at the same time Duplication of information in reports leading to inefficiencies and resource management challenges

INVESTIGATION / REPORT	OPPORTUNITIES	CHALLENGES
TWO INVESTIGATIONS AND TWO REPORTS		
Regardless of number of investigations or reports, a notice of investigation must occur at outset of any investigation under both OHSA/the Code and CSPA. This can be done on the same form or separate forms. (Templates below)	Allows smaller police services to be able to conduct their own investigations where internal expertise does not exist or resources are not in abundance     Allows for external investigator with appropriate expertise to conduct the OHSA investigation followed by an internal CSPA review (ie more choices)	Does not protect member psychological well-being in that they may have to be interviewed twice to capture CSPA considerations initially missed in the preceding OHSA investigation     May result in reduced credibility and reliability in that different statements from the same individual may be received as time passes,

INVESTIGATION / REPORT	OPPORTUNITIES	CHALLENGES
TWO INVESTIGATIONS AND TWO REPORTS		
	Second CSPA investigation can be a paper review of the initial investigation to reduce issues of credibility, reliability and overall investigative integrity	discussions may take place with others in the passage of time  Reduces investigative integrity Threatens confidentiality in that the longer the process is running the higher likelihood of discussions occurring that breach confidentiality. The subsequent CSPA investigation may become overly broad Requirement of obtaining all documents from initial OHSA investigation that would ultimately be disclosable under CSPA regime should misconduct be found.

# SCENARIOS TO ASSIST IN DETERMINING INVESTIGATIVE PROCEDURE

\*\*Chart is based on assumption that the harassment complaint has been initially screened into the investigative process and cannot be or should not be dealt with in a different way\*\*

EXAMPLE	VES
Allegations of harassment and/or discrimination against a senior ranking sworn officer or member	One investigation and one report or two reports  Consider, based on the nature and severity of the allegations and any conflicts of interest that may exist, use of external parties or police services to conduct investigation
Allegations of harassment by uniform or civilian member against civilian member	One investigation and one report
Allegations of specific discriminatory grounds against any non-senior ranking sworn member	One investigation and one report or two reports  If internal expertise exists, conduct one investigation as outlined above. In some cases, the nuance of a certain type of discrimination may best be dealt with by an external investigator who specializes in workplace harassment and discrimination investigations (e.g., Allegations of racial discrimination where internal expertise or experience or diversity is lacking that could impact, or be perceived as impacting the objectivity and credibility of an internal investigation)

# **Appendix C: Respondent Template**

# **Respondent Template**

[Note: this template is for the hybrid model - conducting one investigation under the Occupational Health and Safety Act, the Ontario Human Rights Code/legislation, and the CSPA- Respondent template]

This letter is to advise you that allegations that may constitute workplace harassment and/or discrimination as identified in the Service's [insert procedure(s) that address workplace harassment and discrimination] (the "Procedure") have been brought forward and that you have been named as a respondent. A formal investigation into the allegations of workplace harassment and/or discrimination will be conducted as required by the Procedure.

In accordance with the Procedure, the Service has assigned an internal investigator / an external investigator, to conduct an investigation to determine whether there has been a breach of the Harassment and Discrimination Procedure. You can expect to hear from [insert person's name] soon and you are required to participate with the investigation.

There may be opportunities for alternative resolutions in the course of, or proceeding, this investigation. You will be contacted if this is the case.

As set out in the Harassment and Discrimination Procedure, you are reminded of the following:

- Investigations of alleged harassment shall remain confidential. All involved parties are required to keep the investigation details confidential. If details are disclosed inappropriately, the offending member may be subject to discipline.
- Reprisals or threats of reprisals against an individual for:
  - pursuing their rights under this Procedure;
  - having participated or cooperated in a harassment and/or discrimination investigation;
  - having been associated with someone who has pursued their rights; or
  - acting in any role under this Procedureis

is serious misconduct that may result in discipline up to and including termination.

The investigator(s) will maintain confidentiality regarding your statement(s) and the information you provide to the extent reasonably possible. Information may be disclosed in certain circumstances such as pursuant to a summons or if required by law.

After the completion of the investigation, you will be provided with written notice of the results of the investigation including any findings of conduct that is a breach of the Procedure and/or the Human Rights Code.

At the conclusion of the investigation, you will be notified of the Chief's decision regarding any possible misconduct, pursuant to the *Community Safety and Policing Act*.

Investigations can be stressful – it is highly encouraged to consider reaching out for support.

A primary focus of the [insert Service name] is to help promote and support the psychological wellbeing of our employees. The Employee and Family Assistance Program (EFAP) provides members, and their spouses and dependents, confidential and professional services.

A member of our Peer Support Team can also be contacted at any time for assistance,

at [insert contact details]

[insert any additional supports available, if applicable]

Please feel free to contact me if you have any questions or concerns.

# **Respondent Template**

[Note: this template is for the CSPA investigation, when conducted separately from Occupational Health and Safety Act, and the Ontario Human Rights Code – but to be served along with the above – Respondent template.

You are hereby notified that [insert name of Service investigation or, if internal, the name of Branch] will be conducting an [insert "independent" if applicable], internal investigation concerning your involvement in allegations that you engaged in [insert brief description of harassment/misconduct here], which may have breached the [Insert Name of Service] [Insert procedure(s) covering workplace harassment and discrimination] Procedure.

Investigators will be assigned to conduct a thorough and fair investigation to determine whether your actions may constitute misconduct under the Community Safety and Policing Act.

There may be opportunities for alternative resolutions in the course of, or proceeding, this investigation. You will be contacted if this is the case.

You will be notified of the Chief's decision regarding any possible misconduct, pursuant to the Community Safety and Policing Act.

# Resolution & Restoration



# Introduction

The Resolution & Restoration framework has been developed as a starting point to assist police services in restoring workplace relationships and/or improving workplace culture. It considers the unique needs of each workplace and can be adapted to support a resolution and restoration approach that is best suited to the issues present.

# **Resolution Options**

Conflict is a natural, and some would argue, necessary part of any workplace. Healthy conflict can fuel innovation and productivity, but negative conflict can be damaging to individuals, and to the work environment. How conflict is managed can have a significant impact on psychological safety. When conflict is not managed or is not resolved effectively, difficult conversations are avoided, allowing conflict to escalate. Trust is eroded and psychological safety is threatened.

When conflict is managed and resolved in an effective and timely manner, individuals have the trust and confidence to speak up. They know they will be supported to work through conflict in a collaborative way, which creates a sense of harmony and safety.

Traditionally, police services have relied on formal methods of dispute resolution, including formal complaints and investigations, to address negative workplace behaviour. Mediation is often relied on as the primary method of dispute resolution, but mediation is often conducted in a formal setting which can be adversarial and does not necessarily address the underlying causes of conflict or negative workplace behaviour. Many organizations are shifting towards a more people-centred approach to managing and resolving conflict by offering a range of resolution options, sometimes referred to as early or informal resolution, along with more traditional forms of resolutions to promote and support a healthy workplace culture.

To assist in the resolution and restoration process, police services should seek to implement a range of resolutions options, which can be customized to address the specific needs and concerns of the parties involved. This may involve selecting one or more options from the list and developing a detailed plan to implement them:

- Workplace Restoration: various types of interventions aimed at restoring and developing positive work relationships and fostering a healthy work environment free from harassment, discrimination, and reprisal.
- Facilitated Discussion: A voluntary, confidential dialogue or conversation involving two or more individuals which is guided by a neutral third party who is responsible for managing the process.
- **Mediation:** A consensual, confidential process where involved parties engage in a conversation or dialogue (usually in person) facilitated by a neutral third-party (mediator) to resolve a dispute.
- Coaching: One-on-one session(s) involving the coach and the individual working towards stated objectives to develop the skills necessary to manage conflict in the workplace.
- Motivational Interviews: One-on-one discussions between a representative from the Service and the individual to assess the individual's awareness and understanding of the impact of their behaviour on others and to elicit positive behavioural change by helping the member to identify, acknowledge and address inappropriate behavior in the workplace.
- **Training and/or Education:** Formal or informal education sessions to build capacity for individuals or groups on specific topics.
- **Communication Strategies:** Alter or increase the number of team meetings.
- **Group Intervention:** A process that allows all affected individuals to come together to resolve disagreements and to plan collaboratively how to move forward.
- **Team Building:** An organized activity that increases employees' understanding of each other.

The most appropriate resolution option for each situation should be determined through the triage and assessment process set out in the Intake and Assessment section of this guide. Resolution options can be initiated in lieu of, during, and/or after an investigation, and should be considered when planning for restorative actions, as discussed below.

# **Workplace Restoration**

The Workplace Restoration framework was developed to support police services to build and/or re-establishing harmony in the workplace, addressing issues such as harassment, discrimination, bullying or conflict. Workplace restoration seeks to establish or re-establish a healthy and safe work environment, address psychological and/or emotional harm, promote a cohesive team environment, improve interpersonal dynamics, and build trust in leadership.

Workplace restoration can be initiated before, during or after an investigation or other resolution efforts. It involves open and honest communication, commitment from all involved, participation of entire team and/or unit, the involved parties, manager and/or supervisor, employees and witnesses. Generally, restoration is not a quick or easy process, varies in every situation, requires active involvement and cooperation from all stakeholders.

To be effective, workplace restoration should engage those individuals who are directly and indirectly involved to identify workplace issues, concerns, and solutions. Issues to be addressed should be clearly identified within the scope of the restoration process. A restoration plan should be developed setting out clear resolution-oriented recommendations in a forward-looking implementation plan, addressing identified issues. The **Workplace Restoration Framework** offers a range of resolution-oriented actions that can be considered, including education and training, alternative dispute resolution options, group building activities, performance management, operational change, specific roles, responsibilities, and support for individuals involved, timelines, process for monitoring implementation, evaluation of the process, ongoing follow-up, exploring other options of unresolved issues.

# The Resolution & Restoration Framework is built on the following guiding principles:

- **Alignment:** Workplace restoration should align with principles of respect, fairness, equity, and confidentiality.
- Early Engagement: Early involvement in restoring a heathy workplace is crucial.
- Active Engagement: Encourage all involved parties to actively participate in improving interpersonal relationships and team dynamics.
- Shared Responsibility: Workplace restoration is a shared responsibility between employees and management and/or leadership.
- **Encourage Participation:** Member involvement in the workplace restoration process should be encouraged but not mandatory.
- Collaborative Resolution: Participants should be willing to work together to resolve issues and build workplace relationships.

# **Workplace Restoration Process:**

Specific steps in the Workplace Restoration process may vary based on issues and parties involved, and available resources, but should include the following elements:

- **Action Plan:** create an action plan to address issues and establish a new beginning, tailored to the specifics of the group, and monitor for success.
- Team involvement: To achieve sustainable results and successfully rebuild the workplace, everyone involved should participate.
- Steps to Consider: Discussion with unit leaders, communication strategy, workplace assessment, information gathering and implementation.
- Key to Success: Obtaining team buy-in, ensuring the plan is agreed upon, and encouraging contribution from all involved.
- Outcome: Sustainable resolution and a healthy, harmonious workplace environment.
- Post Restoration Assessment: Measure impact of restoration using previously identified means (examples, surveys, focus groups, interviews) with stakeholders.
- Follow-up: Monitor and follow up with involved parties.
- **Additional Steps:** Determine and take any additional steps, as necessary.

### Roles and Responsibilities for Workplace Restoration

Identifying and communicating clear roles and responsibilities for facilitators, manager and/or leaders, and members are essential to ensure effective communication, planning, implementation, and monitoring of the restoration process. Collaboration and cooperation among all stakeholders are crucial for success. The Framework identifies the following roles and responsibilities:

- Workplace Restoration Facilitators: Assist with communication, obtain background information, define restoration plan scope, design, and implement customized plan, provide support, implement plan, monitor outcomes, identify further work areas.
- Managers and Leaders: Offer input on restoration activities, support members and facilitators, monitor workplace dynamics, provide regular check-ins, lead by example, active participation.
- **Members:** Demonstrate good faith and intentional participation, identify barriers, raise concerns, recommend, and accept solutions, promote a positive and healthy workplace.

# **Key Consideration for Workplace Restoration Facilitators**

- Key Takeaway: A thorough assessment and follow-up post restoration, along with careful consideration of various aspects by the facilitators, are crucial for effective restoration and to ensure long-term success and sustainability.
- Considerations: Clear understanding of issues, stakeholder identification, scope and/ or objective of process, impact of issues and restoration initiatives, responsibilities and timeframes of the process, deliverables, secondary issues outside of the scope, options for addressing dissatisfied participants and process ownership and completion determination.

# **Resolution And Restoration Framework**

This framework will act as a starting point to assist Police Services in restoring and/or improving workplace culture. It considers the unique needs of the workplace and can be used to develop a process that is best suited to the issues present.

It identifies the roles and responsibilities of each key player in the process with an emphasis on driving positive cultural change moving forward.

Included are a suite of tools that can be tailored to develop resolution plans that address the specific needs and concerns of the parties. This may involve leveraging a combination of the initiatives within the framework and identifying details with respect to implementation and follow up.

It is important to note that flexibility is vital and being open to changing the approach may be required.

# **Definition/Purpose**

For the purpose of this guide, Workplace Restoration is a framework for building and/or establishing harmony in the workplace following incidents of harassment, discrimination, bullying or reprisal, or as a proactive approach in response to workplace conflict, and to:

- re-establish/build a heathy and safe work environment; to address psychological/ emotional harm with involved parties and create conditions for a respectful and healthy workplace culture;
- create a cohesive team environment in which members support, encourage and recognize one another;
- promote a healthier workplace environment by improving interpersonal and/or team/ unit dynamics; and,
- promote trust and confidence in leadership.

Workplace restoration can be initiated in lieu of, during, or after an investigation or other respectful workplace resolution and/or restoration efforts.

It should be noted that the workplace restoration process is generally neither quick nor easy and will be different in every situation. It involves open and honest communication as well as commitment of all those involved. All members of a team or work unit, the principal party and the responding party, the manager and/or supervisor, employees, and witnesses all have an important and valuable role to play in order to achieve success.

# **Guiding Principles**

- 1. Workplace Restoration should be aligned with the guiding principles of respect, fairness, equity, and confidentiality.
- 2. Early engagement in the restoration of a healthy workplace is important.
- 3. For Workplace Restoration to be successful, all involved parties **should** be encouraged to actively engage with and participate in, proactive efforts to improve interpersonal relationships and/or team/group dynamics in the workplace.
- 4. Responsibility for workplace restoration efforts is shared by members Service and management/leadership.
- 5. Member involvement in the Workplace Restoration process should be strongly encouraged but not **mandatory**.
- 6. Participants should be willing to work together to resolve issues and build workplace relationships.

# **Workplace Restoration Framework**

To be effective, a Workplace Restoration Framework should:

- a. engage individuals, directly and indirectly involved to identify workplace issues/concerns and solutions:
- b. clearly identify/state issues/concerns to be addressed matters which are within the scope of the restoration process;
- c. where possible, identify adjacent issues (i.e. performance management by supervisors and/or unit commanders) which may impact the workplace dynamics, but which are outside the scope of the restoration process;
- d. set out clear resolution-oriented recommendations in a forward-looking (implementation) plan, to address identified issues which may include:
  - i) education and/or training
  - ii) utilization of ADR options (e.g. mediation, facilitated discussion, counselling, coaching, motivational interviews)
  - iii) group and/or team building activities to improve dynamics
  - iv ) performance management and monitoring
  - v) operational changes (e.g. removal of individuals from the work environment)
  - vi) specific roles and responsibilities for individuals involved throughout the entire process, including the implementation plan
  - vii ) support/resources, as required, for involved individuals
  - viii ) specific timelines for implementation and deliverables
  - ix) a clear process for monitoring implementation compliance and to address issues that arise during the recommendation's implementation stage (e.g. facilitated discussions, motivational interviews)
  - x) evaluation/assessment of the workplace restoration process
  - xi) ongoing follow-up and/or check-ins with involved parties (members and management), where appropriate, during and upon completion of the process to monitor the work environment within a specified period (recommend no less than three months), by the Workplace Restoration Facilitator(s) - individuals responsible for facilitating the Workplace Resolution process
  - xii) explore and/or revisit other options/opportunities in the event that there are unresolved issues.

# **Resolution Options**

To assist in the resolution and restoration process, police services should seek to implement a range of resolutions options, which can be customized to address the specific needs and concerns of the parties involved, and used at any stage of conflict, complaints/investigation, and/or restoration. All full list of recommended resolution options is set out in Appendix 1.

# **Workplace Restoration Process**

Specific steps involved in the restoration process may vary depending on the nature of the issues and parties involved.

An action plan should be created to address any issues and to lay the foundation of a new beginning. Considering that every situation and every team is unique, it is impossible to prescribe one solution for every case. Each plan will need to be tailored to the specifics of the group and monitored for success. In an effort to develop the most beneficial approach, the action plan must consider the various issues, people involved and team culture. In order for the resolution to be sustainable, it is crucial that the team agrees with and contributes to the plan and their buy-in has been achieved.

In order to create sustainable results and be successful in rebuilding the workplace, everyone involved needs to participate.

The steps to consider in the workplace restoration process are:

- 1. Discussions with Unit Leaders
- 2. Communication Strategy
- 3. Workplace Assessment
- 4. Information Gathering and Implementation

### **Discussions with Unit Leaders** 1.

Consult with leaders to discuss:

- a. Purpose and scope of the restoration initiative;
- b. Expectations and steps involved, including a communication strategy;
- c. Responsibility and accountability: who has carriage of various aspects of the process and their specific roles;
- d. Process for addressing concerns/issues which may arise throughout the process;
- e. Criteria for determining completion/termination of the process;
- f. Reporting of outcome to management/leaders and members;
- g. Type of information to be shared with members and in what format (i.e. sharing of the complete (anonymized) written report, if any; executive summary of report, debrief meeting only and/or with any PowerPoint presentation);

### 2. **Communication Strategy**

Work with unit leaders to develop a communication strategy to ensure open, transparent communication with relevant parties about the Workplace Restoration initiative - including providing assurances of confidentiality and direct access to facilitators of the restoration process.

Note: Consider only those minimally required to know, in order to preserve confidentiality as much as possible.

### 3. **Workplace Assessment**

Workplace Assessment is a diagnostic process which relies on the 13 Factors of Psychological Health and Safety in the Workplace to identify various group dynamics which contributes to workplace culture and/or conflict. This process should be facilitated by a trained practitioner and has a series of steps which directly involves employees and leaders in identifying root causes of the conflict and potential restorative strategies.

- 1. Engage with the involved parties (employees and management, where warranted) through:
  - a. a workplace assessment survey— to gather information and/or 'take the pulse' of the work environment and obtain baseline information for the process [see Appendix 2 for a sample survey], and/or
  - b. one-on-one interviews to gather member perspectives on, and experiences of, the
    work environment and workplace culture (individuals should be encouraged to share
    their perspectives openly and honestly and confidentiality must be respected\*\*)
  - c. facilitate group/team discussions to identify shared issues/concerns, identify team priorities and gather ideas for addressing concerns.
    - \*\*Facilitators of the Workplace Restoration should be alert to any issues which may require immediate attention (e.g. if a member expresses concern for their physical safety in the workplace) and take immediate steps to bring the issue to the attention of the appropriate areas to be addressed.
- 2. Gather relevant information from additional sources, as required (e.g. relevant investigation reports and/or other relevant information from other areas within or outside of the unit/area/division).

# 4. Information Gathering and Implementation Plan

- 1. Thorough review of information gathered to inform next steps in the process which may include the options identified above.
- 2. The information gathered should be anonymized, organized around themes and shared with leaders and communicated to members.
- 3. In specific circumstances, and with the member permission, identities may be shared with management, depending on the circumstances (e.g. formal policy violation)
- 4. Identify issues which require immediate attention- matters requiring immediate attention (i.e. concerns relating to physical and/or psychological safety) should be addressed, as appropriate.
- 5. Prepare a forward-focused Workplace Restoration Implementation Plan (with short, medium and long term priorities) and recommended courses of action (with rationale).
- 6. Share the implementation plan with leaders and engage in consultation to finalize the plan and its implementation.

[see Appendix 3 – Restoration Plan template]

# **Roles and Responsibilities**

### Α. **Workplace Restoration Facilitators**

- Work with leadership to identify the general purpose/objective of Workplace Restoration and assist with ongoing communication to members about the initiative.
- Obtain any relevant background information relating to historical context around workplace culture, current conflicts/issues-including any complaints, investigation report, prior discipline and/or remedial or resolution efforts, workplace surveys and oneon-one interviews.
- Define the scope of the restoration plan, including which matters have been addressed/ resolved and do NOT require any further action/attention?
- Design and implement a customized Workplace Restoration Plan, in consultation with management where appropriate.
- Provide support to members and leaders around restoration activities.
- Implement restoration plan while adhering to Guiding Principles as outlined above.
- Provide feedback and recommendations for resolution, with timelines.
- Monitor outcomes.
- Identify what areas need further work going forward e.g. communication, etc.

### B. **Managers and Leaders**

- Offer input on restoration activities (i.e. communication, defining purpose/scope, member support, and other information as required).
- Support members and restoration facilitators in the process.
- Monitor workplace relationships/dynamics and provide timely feedback to facilitators.
- Provide regular check-ins with members for updates on status or to hear concerns/ questions.
- On-going active participation, as required.
- Lead by example and act respectfully in dealing with employees and all affiliated parties during this process.

### C. Members

- Demonstrate good faith and intentional participation by:
  - identifying barriers to a healthy and safe workplace.
  - displaying willingness to raise concerns, recommend and accept solutions to further promote a positive and healthy workplace.

### Post-Restoration

- 1. Assess if restoration worked through previously identified means (i.e. employee survey, post-process focus groups or one-on-one interviews), with stakeholders.
- 2. Monitor/follow-up with involved parties.
- 3. Determine what additional steps should be taken.

# **Key Considerations for Workplace Resolution Facilitators:**

- 1. Is there a clear understanding of the issues?
- 2. Are there issues of harm which should be immediately addressed physically or psychologically?
- 3. Who are the stakeholders?
- 4. Scope/objective of the process what specific issues/concerns will be addressed in resolution efforts?
- 5. Impact of issues and restoration initiatives on members and the Service?
- 6. Who will be responsible for what aspects of the restoration and what timeframes and benchmarks should be in place?
- 7. What are the short-, medium- and long-term deliverables (e.g. education/training versus monitoring for behavioural change)
- 8. Are there secondary issues/concerns that do not fall within the scope of the process and how should they be addressed?
- 9. What are the options for addressing dissatisfied participants?
- 10. Who has carriage of the process and therefore can determine when the process is completed or should be terminated?

# **Appendix 1 - Resolution Options**

# **Resolution Options**

Below are conflict resolution services that you may wish to consider.

Workplace Restoration	Various types of interventions which may include one-on-one conversations with involved parties and/or groups, mediation, facilitation (i.e. team building), coaching, training and other recommended remedies), aimed at restoring and developing positive workplace relationships, and fostering a healthy work environment - free from harassment, discrimination and reprisal.
Facilitated Discussion	A voluntary, confidential dialogue or conversation involving two or more individuals which is guided by a neutral third party who is responsible for managing the process.
	Facilitation can be an effective tool to help individuals and groups "air" their issues and to generate options for resolution.
	They can also be discussions that involve participants who may or may not be in conflict and who – through the process of facilitation – work on addressing specific concerns or issues.
	The facilitator works with individuals or groups to develop a framework for the facilitated discussions which might include setting goals and objectives, defining the scope and "ground rules" for participants.
	This process may include one-on-one conversation involving participants and the facilitator prior to the start of the facilitated discussion process with all involved.
	As with mediation, facilitated discussions allow parties to share perspectives and experiences, build on shared interest and take an active role in creating agreed upon resolutions, which may or may not be documented.
Mediation	A consensual, confidential process where involved parties engage in a conversation or dialogue (usually in person) facilitated by a neutral third-party (mediator) to resolve a dispute.
	Mediators are impartial and work in the interest of the parties involved.
	With the assistance of the mediator, the parties are encouraged to share their perspectives and experiences to build understanding and generate options for resolution with the goal of having them reach a mutually beneficial outcome.
	There are different approaches to mediation including facilitative, evaluative and interest based.

	• To fully realize the benefits of mediation as a resolution option, mediation should be offered in a manner that is best suited to each situation.
	<ul> <li>The mediator will generally speak with each party separately in advance of a face-to-face meeting to gain an understanding of their needs, interests, and goals.</li> </ul>
	<ul> <li>Mediation is often best suited when the parties can foresee the possibility of a solution to a dispute that will result in a documented agreement (or settlement) which may or may not involve conditions.</li> </ul>
Coaching	One-on-one session(s) involving the coach and the individual working towards stated objectives to develop the skills necessary to manage conflict in the workplace which could include:
	<ul> <li>a) how to effectively raise and/or respond to concerns;</li> <li>b) exploration of a member's actions and the impact on others; or</li> <li>c) providing support to members with respect to incidents of harassment, discrimination, or reprisal.</li> </ul>
	<ul> <li>Coaching can be empowering to those individuals receiving it and build their confidence to address issues.</li> </ul>
Motivational Interviews	<ul> <li>One-on-one discussions between a representative from the Service's [include specific UNIT] and the individual to assess the individual's awareness and understanding of the impact of their behaviour on others and to elicit positive behavioural change by helping the member to identify, acknowledge and address inappropriate behaviour in the workplace.</li> </ul>
	<ul> <li>Where appropriate, the representative may engage the individual in a series of motivational interviews to assess and monitor behavioural change, with directed or self education in-between sessions to build capacity for the individual.</li> </ul>
Training and/or Education	<ul> <li>Formal or informal education sessions to build capacity for individuals or groups on specific topics; for example, engaging in difficult conversations, supervisors' responsibilities in maintaining a respectful, harassment-free, healthy workplace; anti-racism; gender diverse and trans inclusion; etc.</li> </ul>
	<ul> <li>Education may be customized to address specific needs and may be offered within the organization, in partnership or collaboration with other units, or with external partners.</li> </ul>

Workplace Restoration	Various types of interventions which may include one-on-one conversations with involved parties and/or groups, mediation, facilitation (i.e. team building), coaching, training and other recommended remedies, aimed at restoring and developing positive workplace relationships, and fostering a healthy work environment free from harassment, discrimination, and reprisal.
Targeted Intervention	May include ongoing monitoring for desired behaviour, peer mentorship, changes to practices/procedures, guidance and support to supervisors and leaders to support resolution, and ensuring members are connected to appropriate supports.
Communication Strategies	<ul> <li>Alter or increase the number of team meetings:         <ul> <li>Plan more one-on-one meetings to check in with staff.</li> <li>Plan for meetings to cover specific issues, when necessary.</li> </ul> </li> <li>If meets have been heated or tension filled, consider seeking assistance with meeting facilitation.</li> </ul>
Group Intervention	<ul> <li>A process that allows all affected individuals to come together to resolve disagreements and to plan collaboratively how to move forward.</li> <li>Participants will have a chance to express their feelings and concerns and to discuss issues.</li> <li>Participants can provide suggestions for how the group can move forward.</li> </ul>
Establishing Group Norms	<ul> <li>Norms are accepted ways of behaving, or handling situations.</li> <li>Norms help teams to create shared language.</li> <li>Norms create an accepted, predictable, and understood manner of dealing with issues as they arise.</li> <li>Norms may involve a protocol for resolving problems.</li> </ul>
Team Building	<ul> <li>An organized activity that increases employees' understanding of each other.</li> <li>Might include exercises such as Myers-Briggs, True Colours or Emotional Intelligence which help to identify the various personalities and styles present on a team.</li> <li>Provide opportunities to change personal perspective or understand the context for behaviour and the reasons why people behave in certain ways.</li> </ul>

# **Appendix 2 - SAMPLE SURVEY**

,	following statements Strongly Agree	Agree	Disagree	Strongly Disagree
am able to reasonably balance he demands of work and personal life.	0	0	0	0
trust that I will receive adequate supports if I am naving difficulty maintaining work- ife balance.	0	0	0	0
feel supported in ny workplace when am dealing with personal or family ssues.	0	0	0	0
consider the amount of overtime I work to be too much.	0	0	0	$\circ$

**Resolution & Restoration Sample Survey** 

# **Appendix 3 - WORKPLACE RESTORATION PLAN**

### **Restoration Activities**

For workplace restoration to be successful, all involved parties must actively engage and participate in proactive efforts to improve the workplace and their working relationships. Responsibility for workplace restoration efforts do not lie solely with management or with Human Resources. The following Restoration Plan has been developed to restore the workplace and working relationships [add specifics]. Options for activities may need to be updated if they are not successful, or if the environment changes.

### **Restoration Activities**

Key themes identified through direct employee engagement (Workplace Assessment) include: [insert themes rated as weak/requiring improvement] The desired outcome of restoration efforts includes [add specifics]:

- 1.
- 2.
- 3.
- 4.

# **Roles and Responsibilities**

# **Employees**

- Participate in restorative activities, intentionally, and in good faith
- Initiate or raise additional actions that they feel will further promote a positive and healthy workplace.
- Identify barr iers to preventing further restoration of the working relationship, or workplace environment to management or the [insert Unit]

# Managers /Leaders

- Offer input on restorative activities
- Proactively support the plan
- Monitor workplace relationships.
- Provide regular 'check-ins' with the team for updates on status or to hear concerns/questions.
- Actively participate in restorative activities, where appropriate.

# [Insert appropriate unit]

- Support with implementation of restorative activities.
- Determine appropriate next steps, based on input from Management, involved members, and any
  other subject matter experts within the organization that need to be consulted.

# **Workplace Restoration Plan – Activities**

Theme (Factor)*	Workplace Restoration Activity	Lead(s)	Objectives and Deliverables	Due Date(s)

<sup>\*</sup>Theme/Factor – based on the 13 Factors evaluated during the assessment

### **Evaluation of Restorative Efforts**

The success of workplace restoration efforts will be evaluated by [insert unit] through engagement with leaders and employees. The purpose is to determine if restoration has been achieved by measuring impact of restorative initiatives on the work environment and work relationships. Evaluation will be conducted using the following:

- 1. Employee survey
- 2. Post-process focus-groups/ one-on-one interviews
- 3. Stakeholder engagement

The restoration will be evaluated on the following measures:

[Add evaluation measures]

- 4.
- 5.
- 6.
- 7.

# Post Restoration Follow up

The following steps will be in place following completion of the restoration plan implementation:

- Monitor/follow-up with involved parties.
- 2. Determine what additional steps should be taken.
- 3. Ongoing follow-up and/or check-ins with involved parties (employees and management), where appropriate, to monitor the work environment within a specified period (recommend no less than three months.
- 4. Explore and/or revisit other options/opportunities if there are unresolved issues.

# **Roles and Responsibilities**

# **Employees**

- Participate in restorative activities, intentionally, and in good faith
- Initiate or raise additional actions that they feel will further promote a positive and healthy workplace.
- Identify barr iers to preventing further restoration of the working relationship, or workplace environment to management or the [insert Unit]

# The National Standard For Psychological Health And Safety In The Workplace – What Are The 13 Factors? 1

# What are psychosocial factors?

Psychosocial factors are elements that impact employees' psychological responses to work and work conditions, potentially causing stress and both physical and psychological health problems. Psychosocial factors include the way work is carried out (deadlines, workload, work methods) and the context in which work occurs (including relationships and interactions with managers and supervisors, colleagues and co-workers, and clients or customers).

### What are the 13 Factors based on the National Standard?

### Balance

A work environment where there is recognition of the need for employees to be able to manage the demands of work, family and personal life.

# Civility and respect

A work environment where employees are respectful and considerate in their interactions with one another, as well as with customers, clients and the public.

### Clear leadership and expectations

A work environment where there is effective leadership and support so that employees know what they need to do, have confidence in their leaders and understand impending changes.

# **Engagement**

A work environment where employees feel connected to their work, co-workers and their organization and are motivated to do their job well.

<sup>1</sup> Guarding Minds at Work (https://www.workplacestrategiesformentalhealth.com/resources/using-guarding-minds-at-work-effectively)

### Growth and development

A work environment where employees receive encouragement and support in the development of their interpersonal, emotional and job skills.

### Involvement and influence

A work environment where employees are included in discussions about how their work is done and have input into decisions that impact their job.

# Organizational culture

A work environment characterized by the shared values of trust, honesty and fairness.

# Psychological and social support

A work environment where the organization is supportive of employees" psychological health concerns and provides assistance as needed.

# Psychological competencies and demands

A work environment where there is good fit between employees' interpersonal and emotional competencies, their job skills and the position they hold.

# Psychological protection

A work environment where employees' psychological safety is ensured.

# Protection of physical safety

A work environment where management takes appropriate action to address physical hazards in order to protect the psychological health and safety of employees.

# Recognition and reward

A work environment where there is appropriate acknowledgement and appreciation of employees' efforts in a fair and timely manner.

# Workload management

A work environment where assigned tasks and responsibilities can be accomplished successfully within the time available.

# Education and Prevention Guide



#### **Our Vision**

Imagine a police service where employees effectively tackle the operational demands of their jobs, holding themselves accountable through their shared commitment to maintaining safe communities. Imagine as well that all members of this police service feel safe and supported at all levels, from their peers to leaders at all levels in the organization. When they encounter the inevitable tough operational demands, they know that they will find support from their peers and leaders who "have their back" and understand the challenges of their work. They feel like their needs matter, and as a result, like they belong. The workplace is like a base camp - a safe place to return to when you do hard work, take risks, and experience the complexity of policing and leading in a free and democratic society.



#### The Importance of Psychological Health and Safety

To thrive in the workplace, employees should feel psychologically safe. Psychological safety refers to the absence of harm or threat to well-being. In a psychologically safe workplace, individuals feel safe to be themselves, feel supported and feel that they express their thoughts without fear of negative consequences. Police services should pay closer attention to employee mental health and take proactive measures to ensure that all needs are being met.

Psychological health and safety in the workplace is not a nice-to-have; it is a requirement and a responsibility that all workplaces should uphold. Failing to promote a psychologically healthy and safe workplace means violating employees' basic human rights. To learn more, check out the sections on psychological health and safety in the <u>PSHSA guide</u> the <u>Transforming Police Culture paper</u>, and the <u>Assembling the Pieces Implementation Guide</u>.

A psychological healthy, safe and respectful workplace results in:

- Greater job satisfaction
- A greater perception of fairness
- Positive attitudes and improved morale
- Better teamwork and engagement in problem resolution
- Greater interest in personal development
- Enhanced supervisor-staff relationships
- Reduction in sick leave and turnover

#### BACKGROUND AND CONTEXT FOR THIS GUIDE

Creating a healthy work environment that is inclusive, respectful, and free from harassment and discrimination is an ongoing priority for organizations and is especially challenging within the policing sector. Efforts are underway in many police services to conduct reviews to identify root causes and develop actions to improve workplace culture. For instance, [click here] to learn about measures put in place by York Regional Police (YRP) to help promote a more positive police culture. In February 2022, the Working Group on Respectful Workplaces in Policing ("Working Group") was initiated to work together to promote and support safer, more inclusive, and respectful workplaces within policing organizations in Ontario and throughout Canada. The purpose of this guide is to share a synthesized list of education and prevention resources in pursuit of the Working Group's goal #2, as outlined below.

- 1. To facilitate collaboration within the police sector in Ontario to support the elimination of harassment, including sexual harassment, discrimination, and other forms of incivility and disrespect in the workplace.
- 2. To promote and support transformational culture change in police services to achieve psychologically safe, inclusive, and respectful workplaces through prevention, education, leadership, and accountability.
- 3. To develop and support the implementation of best practices in response to workplace complaints across police services that align with the Working Group's Guiding Principles.

In the 21st century North American workplace, the need to protect workers' physical health and safety is well understood and accepted; however, it has only been relatively recent (and perhaps due to changes in employment law/legislation) that organizations have been awakening to the need for the same level of protection for workers' psychological health and safety. More than ever before, policing organizations are finding themselves in a "war for talent" with workers who are increasingly unwilling to work for an organization that doesn't prioritize their health and well-being. With the increased interest and focus on psychological health and safety and the desire to transform workplace culture, there has been an explosion of resources and tools available to organizations.

In this guide, we provide an overview of helpful resources we have discovered and share stories about what we have tried within our own organizations. This guide is not intended to be an exhaustive list of all the resources available on this topic, nor is it intended to be a 'how to' guide for organizations to follow. Instead, our goal is simply to share our collective wisdom with one another as well as any lessons learned from implementing programs and initiatives within our own services/agencies. According to Jackson and Theroux (2023),

"Policing and public safety agencies have an unparalleled ability to rally around and support one another in times of shared need and crisis; the wellness and resilience crisis facing the police workforce presents both an imperative and an opportunity for scaled collaboration and support that poses too real a risk not to recognize and seize. Collaboration at this scale presents a major opportunity to accelerate and maximize impact by exploring solutions driven locally but applied at a sector or regional level." (p. S5)

#### SUMMARY OF KEY FOUNDATIONAL PILLARS AND RESOURCES

We begin by briefly summarizing two foundational resources to guide your efforts towards creating a psychologically safe, inclusive, and respectful organizational culture. We consider both "essential reads" to support your efforts, and strongly encourage you to read the original sources to learn more (see links below).

- First, the National Standard of Canada for Psychological Health and Safety in the Workplace, Assembling the Pieces, outlines 13 psychosocial factors that collectively support wellbeing and psychologically safety at work.
- 2. Secondly, Transforming Workplace Culture in the Police Service outlines the current state while outlining training considerations to transform police culture.
- 3. Finally, the Public Services Health and Safety Association (PSHSA) Workplace

  Psychological Health and Safety Guide discusses how to implement the plan to promote psychological health and safety in the workplace.

# Assembling the Pieces: An Implementation Guide to the National Standard for Psychological Health and Safety in the Workplace

Created in partnership with the Canadian Standards Association (CSA) Group, this handbook is designed as a step-by-step guide for organizations to implement the Standard. This document is geared toward senior leaders, occupational health and safety professionals, as well as human resource managers, offering a roadmap to application of the Standard through four key steps: Building the Foundation, Identifying Opportunities, Setting Objectives, and Implementation.

This important guide provides a set of guidelines, tools, and resources to help promote positive psychological health and prevent psychological harm in the workplace. The handbook identifies workplace factors that can affect psychological health and safety in the workplace and provides suggestions as to how these workplace factors can best be implemented. The handbook also outlines positive outcomes that result from the implementation of these workplace factors.

#### What is Psychological Health and Safety?

Psychological health or mental health refers to a state of well-being in which an individual can take care of him or herself, cope with normal life stressors, work productively and contribute to the broader community. Compromised psychological health negatively affects a person's ability to meet performance demands in both work environments and personal life. Psychological safety refers to the absence of harm or threat to well-being. A psychologically healthy and safe workplace is a workplace that actively promotes positive well-being and takes precautions to prevent psychological harm to workers. This involves prevention of harm, promotion of health, resolution of incidents or concerns, and continuous improvement.

#### Building a System to Prevent Harm

In order to promote employees' psychological health and safety, workplaces must build a system to prevent harm. This involves developing an ongoing and flexible framework that can be integrated into the structure of the workplace. Developing this framework takes time and requires leadership, commitment, and perseverance. Strong organizational champions and sponsors can help to support successful outcomes. Champions are individuals who are respected by others in the workplace and act as a leader in the effort to build a system to prevent harm. Champions are responsible for relaying information to other stakeholders and should come from both management and labour positions. Sponsors are individuals in senior positions who have the authority to make decisions in the workplace. Sponsors help to ensure that the necessary resources are being put in place to support employee psychological health and safety. In some organizations, the champion and sponsor are the same person, while in other organizations, there may be multiple champions and sponsors.



# Hazard Identification

The first step in building a system to prevent harm is to identify hazards that are potential sources of psychological harm in the workplace. Hazards can be identified through an organizational assessment and should be reassessed on a regular basis.

# Risk Mitigation Process

Once hazards have been identified, workplaces should create a Risk Mitigation Process. The purpose of a Risk Mitigation Process is to identify all potential workplace hazards and assess their level of risk to employees. In some cases, it may be possible to completely eliminate the hazard. In other cases, workplaces can control the risk or access to the hazard or make changes to how the work is organized and done. Workplaces may also substitute the hazard with something less hazardous or modify existing procedures and practices relating to the hazard, such as providing support to employees after a stressful customer interaction. Protective equipment, changes in administrative/training or an emergency response can also be used to deal with hazards.

# **Workplace Factors**

The handbook identifies 13 workplace factors that can impact an employee's psychological response to their work and work conditions. When these workplace factors are present, they contribute to positive psychological health and safety. This in turn improves productivity and workplace outcomes.

Workplace Factor	Description	If Present in the Workplace
Psychological Support	A work environment where co-workers and supervisors are supportive of employees' psychological and mental health concerns, and respond appropriately as needed.	<ul> <li>The workplace offers services or benefits that adequately address employee psychological and mental health.</li> <li>Supervisors would say or do something helpful if an employee looked distressed while at work.</li> <li>Employees feel supported in the workplace when they are dealing with personal or family issues.</li> <li>The workplace supports employees who are returning to work after time off due to a mental health condition.</li> <li>People in the workplace have a good understanding of the importance of employee mental health.</li> </ul>
Organizational Culture	A work environment characterized by trust, honesty, and fairness.	<ul> <li>All people in the workplace are held accountable for their actions.</li> <li>People at work show sincere respect for others' ideas, values, and beliefs.</li> <li>Difficult situations at work are addressed effectively.</li> <li>Employees feel that they are part of a community at work.</li> <li>Employees and management trust one another.</li> </ul>

Clear Leadership and Expectations	A work environment where there is effective leadership and support that helps employees know what they need to do, how their work contributes to the organization, and whether there are changes coming.	In their jobs, employees know what they are expected to do. Leadership in the workplace is effective. Staff is informed about important changes at work in a timely manner. Supervisors provide helpful feedback to employees on their performance. The organization provides clear, effective communication.
Civility and Respect	A work environment where employees are respectful and considerate in how they interact with one another, as well as with customers, clients, and the public.	 People treat each other with respect and consideration in the workplace. The workplace effectively handles problems that exist between staff. People from all backgrounds are treated fairly in the workplace. Unnecessary conflict is kept to a minimum. The workplace has effective ways of addressing inappropriate behavior by customers or clients.
Psychological Job Demands	A work environment where employees' interpersonal and emotional competencies fit with the requirements of their position.	Hiring/promotion decisions consider the people skills necessary for specific positions. The company hires people who fit well within the organization. Employees have the social and emotional skills needed to do their jobs well.  Supervisors believe that social skills are as valuable as other skills.  Positions make good use of employees' personal strengths.

Growth and Development	A work environment where employees receive encouragement and support in developing their interpersonal, emotional, and job skills.	<ul> <li>In their jobs, employees know what they are expected to do.</li> <li>Leadership in the workplace is effective.</li> <li>Staff is informed about important changes at work in a timely manner.</li> <li>Supervisors provide helpful feedback to employees on their performance.</li> <li>The organization provides clear, effective communication.</li> </ul>
Recognition and Reward	A work environment where there is appropriate acknowledgment and appreciation of employees' efforts in a fair and timely manner.	<ul> <li>Immediate supervisors         demonstrate appreciation of         employees' work.</li> <li>Employees are appropriately         recognized for their commitment         to their work.</li> <li>The organization celebrates its         shared accomplishments.</li> <li>The workplace recognizes         and rewards efforts toward         achieving employee wellness and         satisfaction.</li> </ul>
Involvement and Influence	A work environment where employees are included in discussions about how their work is done and how important decisions are made.	<ul> <li>Employees are able to talk to their immediate supervisors about how they do their work.</li> <li>Employees have some control over how they organize their work.</li> <li>Employee opinions and suggestions are considered at work.</li> <li>Employees are informed of important changes that may impact how their work is done.</li> <li>The workplace encourages input from all staff on important decisions related to their work.</li> </ul>

Workload Management	A work environment where tasks and responsibilities can be accomplished successfully in the time available.	<ul> <li>The amount of work employees are expected to do is reasonable for their positions.</li> <li>Employees can talk to their supervisors about the amount of work they have to do.</li> <li>Employees have the equipment and resources needed to do their jobs well.</li> <li>Employees' work is free from unnecessary interruptions and disruptions.</li> </ul>
Engagement	A work environment where employees feel connected to their work and are motivated to do their job well.	<ul> <li>Employees enjoy their work.</li> <li>Employees are willing to give extra effort at work if needed.</li> <li>Employees describe work as an important part of who they are.</li> <li>Employees are committed to the success of the organization.</li> <li>Employees are proud of the work they do.</li> </ul>
Work/Life Balance	A work environment where there is recognition of the need for balance between the demands of work, family, and personal life.	<ul> <li>The workplace promotes worklife balance and encourages employees to take their entitled breaks (for example, lunchtime, sick time, vacation time, earned days off, parental leave).</li> <li>Employees are able to reasonably balance the demands of work and personal life.</li> <li>Employees can talk to their supervisors when they are having trouble maintaining work-life balance.</li> <li>Employees have energy left at the end of most work days for their personal life.</li> </ul>

Psychological Protection from Violence, Bullying and Harassment	A work environment where employees' psychological safety is ensured.	 The workplace is committed to minimizing unnecessary stress at work.  Immediate supervisors care about employees' emotional well-being.  The organization makes efforts to prevent harm to employees from harassment, discrimination or violence.  Employees would describe the workplace as being psychologically healthy.  The workplace deals effectively with situations that may threaten or harm employees (for example, harassment, discrimination, violence).
Protection of Physical Safety	A work environment where employees' physical safety is ensured.	Management takes appropriate action and offers sufficient training to protect employees' physical safety at work. When accidents occur or risks are identified, the employer responds effectively. Employees' have the equipment and tools they need to do their job in a physically safe way (for example, protective clothing, adequate lighting, and ergonomic seating).

# Implement the Plan

At the end of the Assembling the Pieces guide, there are checklists that provide guidelines on how workplaces can implement a plan to promote psychological health and safety. These checklists are an important resource to look at and can walk you through the implementation plan in more detail. We encourage you to take a closer look at these resources.

#### **Transforming Workplace Culture in the Police Service**

The Transforming Workplace Culture in the Police Service paper outlines barriers to eliminating workplace harassment in policing. We recommend you read the entirety of the white paper that provides valuable insight and evidence-based approaches to guide your efforts.

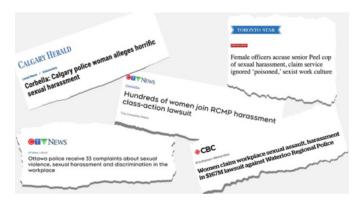
#### **Current State**

Workplace bullying, harassment and sexual harassment are experienced in police agencies of all sizes. Currently, there is an overarching culture in policing where:

- Stereotypical gender norms are enforced
- Sexual comments, innuendoes, gestures and "jokes" are normalized
- · Demeaning comments or conduct based on sex and gender are frequent
- Mobbing (i.e., group bullying) and gender-based harassment exist
- Rumors and gossip are common
- The chain of command acts as a barrier to change
- There is a culture of silence keeping people from coming forward
- There is a strong distrust of the internal complaint and investigation process

#### The Impetus for Change

In recent years, instances of bullying and harassment in policing have started to receive more attention from the public. There has been greater momentum for change and advocacy to address these issues. Police culture needs to adapt to reflect changes in societal norms.



#### **Barriers to Eliminating Harassment**

The Transforming Workplace Culture in the Police Service paper outlines barriers to eliminating workplace harassment in policing. We recommend you read the entirety of the white paper that provides valuable insight and evidence-based approaches to guide your efforts.

- 1. Research Findings: Despite extensive efforts, harassment persists due to underreporting, culture influence, and the need for robust accountability systems.
- 2. Workplace Risk Factors: Factors like lack of diversity, strict hierarchies, and protection of senior employees contribute to harassment.
- 3. Silence Barrier: Fear of retaliation and social isolation discourages reporting, with victims' credibility often attacked.
- 4. Civility and Professionalism: Tolerating disrespect fosters a toxic culture, increasing harassment risk.
- 5. Focus on Workplace Norms: Emphasizing professionalism over individual tolerance can prevent harassment.
- 6. Leadership Challenges: Leaders' lack of skills and confidence hinder effective response to harassment.
- 7. Backlash: Efforts to address harassment may face resistance, requiring addressing perceptions and promoting understanding.

# **Challenges Specific to Policing**

Addressing cultural and structural barriers is crucial for creating safer and inclusive policing environments. They name challenges unique to Police environments:

# **Police Culture Challenges:**

- a. Mid-level leaders' desire for friendship with subordinates hinders addressing harassment.
- b. Hegemonic masculinity norms in policing lead to harassment of non-conforming officers.
- c. Female officers facing stereotypes and biases are ostracized if they don't conform.

#### 2. Process Challenges:

- a. Tight deadlines and overlapping processes hinder restorative efforts.
- b. Competing standards of proof lead to conflicting findings in harassment cases
- c. Sunset clauses and disciplinary disparities complicate accountability.
- d. Internal investigators' bias and lack of training undermine trust in the process.

#### **Strategies and Recommendations**

Police culture norms and procedural challenges pose significant barriers to addressing workplace harassment effectively in policing environments. They name strategies and recommendations:

#### 1. Improve Processes:

- a. Simplify harassment policies and investigation processes for better understanding
- b. Implement a civility policy to address a range of negative behaviour that may not meet the policy threshold of harassment but is still harmful.
- c. Triage complaints to determine the most appropriate response, including early or alternative resolution options where appropriate.
- d. Provide training for internal investigators on best practices and standards to address bias and implement a trauma informed approach.

### 2. Address Systemic Barriers:

- a. Track data to identify trends and apply an intersectional lens to evaluating behavior.
- b. Focus on diversity, equity, and inclusion to remove institutional barriers.

#### 3. Raise Awareness:

- a. Implement mandatory education programs focusing on behaviour and culture change.
- b. Promote respectful engagement, bystander intervention, and resolution conflict tools through education, training, and leadership.

#### 4. Transform Culture:

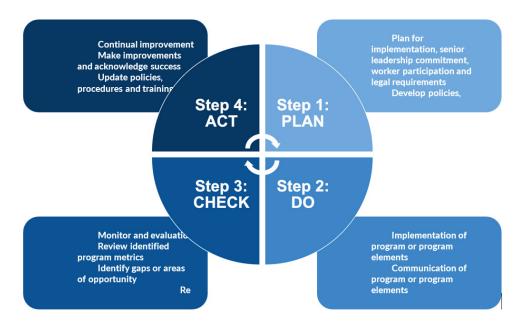
- a. Hold leaders accountable for modeling respectful behaviour and making it a performance measure.
- b. Make it safe for members to report conflict, harassment, and discrimination and to resolve conflict before it escalates.
- c. Work closely with police associations and empower champions of a respectful culture.

#### **Working Together**

Positive change in workplace culture is achievable through sustained efforts and engagement from leadership. Various recommendations and research examples provide a roadmap for organizations committed to eliminating harassment and fostering a respectful workplace culture.

#### PSHSA Workplace Psychological Health and Safety Guide

The PSHSA guide for a psychological health and safety program is designed to provide tools and resources to workplaces in the public sector to support the creation and maintenance of a psychologically safe and healthy workplace. The guide is designed to assist organizations to take an integrated approach and fit within a health and safety management system using the PLAN-DO-CHECK-ACT (PDCA) cycle to promote continual improvement.



This guide discusses how individuals can implement psychological health and safety in the workplace. Implementing a plan to promote psychological health and safety requires time, perseverance and continuous refinement. This plan will look different for each workplace, and will be shaped by the workplace's individual objectives and needs.

This plan should be created with the input and agreement from all individuals in the organization.

We encourage you to review the helpful and actionable solutions – with detailed checklists – that have been summarized in the PSHSA's guide for supporting worker well-being. These checklists can be found in Appendix E and are divided into four general categories: (1) leadership commitment and participation, (2) prevention, (3) intervention, and (4) recovery. The practical guide is directed towards the systematic prevention of mental health injuries and illnesses for the entire workforce, in the same way that occupational health and safety systems are preventative for physical injuries and occupational illnesses.

#### **Leadership Commitment and Participation**

In the checklist, the leadership commitment and participation section assesses whether leaders are committed to creating and maintaining a psychologically healthy and safe workplace.

	Program Element	Meets Needs
1.0	Leadership Committment and Participation	
1.1	Senior leadership is committed to creating and maintaining a psychologically healthy and safe workplace.	
1.2	Workers participate in a psychologically healthy and safe workplace.	
1.3	The workplace has an organizational psychological health and safety policy.	

#### Prevention

Prevention is divided into two subsections: (1) hazard recognition, assessment and control, and (2) training and education. Hazard recognition, assessment and control assesses whether hazards have been adequately identified and dealt with. The training and education measures assesses whether training on psychological health and safety is provided in the workplace.

2.0	Hazard Recognition, Assessment and Control	
2.1	An organizational assessment is completed to identify current state with respect to the CSAZ1003 Psychosocial factors.	
2.2	An assessment of job-specific factors impacting worker psychological health is completed.	
2.3	Contributors are identified for organizational and job-specific psychosocial factors of concern.	
2.4	Safe work plans and procedures are in place for job tasks with risk of psychological harm.	
2.5	Job demands (physical, cognitive, and psychological) are identified for all jobs in the organization.	
2.6	Joint Health and Safety Committee monthly inspections include organizational and job- specific psychological factors that may impact worker mental health.	
3.0	Training and Education	
3.1	General mental health awareness training is provided across all stakeholder levels.	

3.2	Information and instruction are provided on workplace-specific psychological health and safety policies and procedures, including:  Incident reporting and investigation, and  Return to work after psychological injury or illness.	
3.3	Joint Health and Safety Committees are trained on roles and responsibilities for psychological health and safety.	
3.4	Information and instruction are provided to workplace stakeholders on organizational and job-specific psychological factors that impact worker psychological health.	
3.5	Leaders are provided training specific to their roles and responsibilities for leading and fostering a psychologically healthy and safe workplace.	

#### Intervention

Intervention is divided into three subsections: (1) incident reporting and investigation, (2) incident response, and (3) workplace supports. Incident reporting and investigation assesses whether the workplace has established a formal process for reporting hazards. Incident response assesses whether an incident response plan has been put in place. Workplace supports assess whether workers have access to various resources that promote psychological health and safety.

4.0	Incident Reporting and Investigation		
4.1	Psychological incidents are included in the hazard and incident reporting process.		
4.2	A formal process for investigation of psychological incidents and injuries is in place.		
5.0	Incident Response		
5.1	An incident response plan is in place where supervisors are trained to respond appropriately to workplace psychological incidents and events.		
5.2	A serious incident response plan is in place and actively practiced in the workplace. (for example, emergency response plan).		
5.3	A crisis response plan is in place to support workers suffering from mental injury or illness at work.		
6.0	Workplace Supports		
6.1	The workplace provides workers with access to community-based resources to prevent harm, promote well-being and protect worker mental health.		
6.2	An Employee and Family Assistance Program is available and accessible through the employer.		
6.3	On-site supports such as counsellors or peer support programs are in place where relevant.		

#### Recovery

Recovery is divided into two subsections: (1) post-incident response and (2) return to work and stay at work. Post-incident response assesses whether support is provided after incidents relating to psychological health and safety. Return to work and stay at work assess accommodations are provided to workers who have had to take leave due to psychological health and safety issues.

7.0	Post-Incident Response		
7.1	Informal and/or formal de-briefing processes after psychological events are in place. These may include:  Initiation of EFAP or third-party resources  Peer Support, or  Other organizational response		
8.0	Return to work and stay at work		
8.1	A return to work or stay at work process for psychological injury or illness is in place for all workplace stakeholders.		
8.2	Suitable work is identified for the worker that is consistent with the worker's functional abilities, including physical, cognitive, and psychological abilities. Accommodations are provided where necessary.		

#### **ADDITIONAL RESOURCES**

#### **Articles**

- 1. <u>Creating a Safe Police Workplace Culture</u>, by Deputy Chief Jeff Hill, Halton Regional Police Service
- 2. <u>Make Civility the Norm on Your Team</u> by Christine Porath, a Professor of Management at Georgetown University
- 3. How Employers Can Lead the Charge in Preventing Sexual Harassment: Beyond Compliance <a href="https://winchr.uk/how-employers-can-lead-the-charge-in-preventing-sexual-harassment-beyond-compliance/">https://winchr.uk/how-employers-can-lead-the-charge-in-preventing-sexual-harassment-beyond-compliance/</a>

#### **Videos and Resources**

- 1. An explanation of social norms: <u>Brain Games Conformity Waiting Room</u>
- 2. Transformational Culture Develop a People-Centred Organization for Improved Performance (David Little) <a href="https://transformationalculture.com/">https://transformationalculture.com/</a>.
- Doing our Duty Preventing Sexual Harassment in the Workplace (Human Resource Professionals Association) - <a href="https://www.hrpa.ca/wp-content/uploads/2020/10/Doing-Our-Duty.pdf">https://www.hrpa.ca/wp-content/uploads/2020/10/Doing-Our-Duty.pdf</a>

#### **Training and Development**

- 1. Canadian Mental Health Association (CMHA.ca) offers two courses:
  - a. Psychological Health and Safety Professional Certificate
  - b. Psychological Health and Safety: The Essentials

The Essentials training provides an overview of the elements of psychological health and safety. The Psychological Health and Safety Professional Certificate is designed for individuals who are working to improve psychological health and safety in their workplaces and/or to implement the National Standard of Canada for Psychological Health and Safety in the Workplace.

- 2. Training Active Bystanders (TAB), www.trainingactivebystanders.org/ TAB empowers bystanders and gives them the competencies they need if they decide to take action when they witness something they feel is unfair, wrong, or troubling. TAB helps participants to:
  - Analyze situations where harm may be occurring
  - Recognize when they are bystanders
  - Evaluate the consequences for everyone involved
  - Interrupt harm doing and generate positive actions by others.
- 3. Active Bystander/Peer Intervention Training Program Toronto Police Service
- 4. How to Have Difficult Conversations 8 Step Model (On Conflict Leadership Institute) https://onconflictleadershipinstitute.com/.
- 5. Conflict Competent Leaders Program (implemented by the Ontario Provincial Police).

# **GUIDELINES FOR TRANSLATING KNOWLEDGE INTO ACTION**

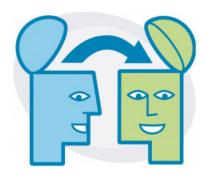
We wanted to make a guide for you that made the work of education and prevention as straightforward as possible. Through collaboration with leaders and change agents at multiple services we have realized it isn't that easy.

The education and prevention initiatives recommended in this guide reflect the essential ingredients for success that will guide your efforts. Understandably, adopting any one educational activity won't suffice.

#### We suggest that you:

- 1. Examine your own culture. Get clear on your organization's action imperative or compelling narrative.
- 2. Adopt a visionary and aspirational approach. Begin with the end in mind. Consider your desired state. What would a healthy, respectful, and inclusive workplace look like in your service?
- 3. Leverage evidence-based approaches to psychological safety and workplace culture, grounded in trauma-informed practices.
- 4. Consider (w)holistic organizational wide initiatives: Change requires leaders and change practitioners to work across systems, within systems and collaboratively with other services and change leaders committed to culture change in policing.
- 5. Engage senior leadership: The desired organizational culture must be conceptualized and understood by senior leaders change needs to be driven from the top and bottom of a hierarchical organization.
- 6. Collaborate: Whether you are a senior leader, practitioner, trainer, or frontline member, you are not alone in this work. This guide will seek to connect efforts, leverage the wisdom brought forward by those doing the work, with hopes of helping us get further, faster, together.
- 7. Strategize for organizational alignment: Do all organizational activities align to the desired state (ie: hiring and recruitment practices, promotion, and leadership development) and reinforce key messages for culture change.
- 8. Consider training for all roles, all ranks, and all levels.

- Ensure leadership of self is a core part of this training taught from recruitment through to retirement and that promotional processes include reinforcement, reward and support for leadership of self.
- 10. Adopt the 13 psychosocial factors for healthy, safe, and respectful workplaces.



#### Learning principles to guide training initiatives:

- Meet people where they are at. Training that starts where the learner is createsthe greatest conditions for growth.
- 2. Consider developing emotional intelligence (self-awareness, self-management, social awareness, relationship management and decision making,) as foundational skills for cultural transformation.
- Consider your organization's approach to teaching and learning. Consider situational-based learning and other learning opportunities that encourage and promote the positive behaviour change your organization is seeking.
- 4. Consider best practices: Learning new behaviour and skills is most effective when learning is well-paced and spaced-out to support retention, utilizes principles of repetition and constraintbased learning to help develop foundational skills (repetition) and more complex critical thinking (constraint-based learning). Consider integrated approaches instead of blocked learning (small chunks spread over time rather than condensed, lengthy training sessions).
- Workshops opportunities to move beyond knowledge and understanding toward application, develop critical thinking and complex thinking skills.
- Engage Subject Matter Experts to support. Expertise in diversity, equity and inclusion specialists, mediation and social-emotional intelligence.

# Accountability

#### Accountability

Accountability is crucial in addressing workplace harassment and discrimination within policing to foster a safe, respectful, inclusive and equitable work environment and to maintain public confidence in law enforcement. For practitioners responding to claims of harassment and discrimination, traditional discussions surrounding accountability following substantiated findings focus on individual accountability for the Responding party. However, accountability should also consider organizational accountability - a services' accountability to their key stakeholders for they systems they have in place to mitigate and respond to incidents of harassment and discrimination.

The following best practices recommend a systems approach to accountability which broadens the focus beyond the Responding party to include supervisory and member roles and responsibilities as well as the role of the organization.

# Organizational (Service) Accountability

Organizational accountability refers to the shared responsibilities of everyone in the organization to achieve a workplace that is free of harassment and discrimination and the processes it has in place to demonstrate these deliverables. Member expectations within workplace policing culture have evolved, and the preexisting beliefs that those entering into policing will have a higher tolerance for incivility or harmful behaviours at the hands of their coworkers is no longer supported. Both civilian and uniform members of police services now report a higher expectation for psychologically safe and inclusive workplaces. Moreover, the public has expressed an expectation that the policing sector be held to a higher standard when it comes to conduct both operationally and within the workplace. Therefore, best practices dictate that services must have systems in place to demonstrate organizational accountability for eradicating workplace harassment and discrimination.

Services are accountable to 3 main stakeholders; the public, its police services board, and its members, with a different responsibility to each.

**Accountability to the Public** includes being transparent and communicating the Service's stance on creating respectful workplaces in policing, recognizing that fostering equitable policing with communities begins with ensuring professionalism within the internal police culture.



Accountability to the Police Services Board includes a requirement to keep the Board apprised of "critical issues" that may have an impact, in a material way, on the Service's reputation in regards to respectful workplaces in policing. This includes reporting on measureable outcomes, such as metrics and trends, to demonstrate how the culture has evolved.

Accountability to its members in creating a respectful workplace in policing, involves having clear governance, transparent reporting mechanisms, conducting fair and prompt investigations and ensuring there are consequences and resolutions for unacceptable behaviour. It also includes fostering a culture that promotes diversity, inclusion and respect, with regular training to educate members on acceptable behaviour. Cyclical reviews to this governance based on feedback, metrics and evolving standards are essential for maintaining accountability.

The key aspects of organizational accountability include:

- 1. Clear, Accessible Process: Establishing comprehensive and clear governance for workplace harassment, violence, discrimination and reprisal that explicitly defines unacceptable behaviour, outlining the consequences for violations and availability to other avenues of resolution. This process shall be accessible to everyone in the organization and posted conspicuously within the workplace. The Service shall communicate to the public its stance on creating respectful workplaces in policing.
- 2. **Transparent Reporting Mechanisms:** Providing easily accessible and confidential channels for members to report incidents of harassment, discrimination, workplace violence and reprisal. These reports are documented and tracked, whether they lead to investigation or other forms of resolution.
- 3. Prompt and Fair Investigations: Conducting thorough and impartial investigations into reported incidents in a timely manner, ensuring fairness and confidentiality. Communicating the process to all involved parties and providing regular touchpoints on timelines. The member who has allegedly experienced workplace harassment and the alleged harasser, if he or she is a member of the employer, are informed in writing of the results of the investigation and of any corrective action that has been taken or that will be taken as a result of the investigation.

- 4. Appropriate Consequences: Implementing appropriate consequences for individuals against whom allegations of harassment or discrimination have been substantiated, demonstrating a commitment to a safe and inclusive workplace. Ensuring that penalties and any other remedies, including resolutions, are applied consistently across the board and establishing a committee to for application of objective criteria to implement, track, and monitor outcomes.
- 5. **Cultural Promotion:** Fostering a culture of diversity, inclusion and respect through leadership commitment, communication, and role modeling.
- Training Programs: Mandating regular training to educate members on acceptable behaviour, bystander intervention, and the importance of diversity and inclusion. Ensuring that leadership is provided with training specific to their role.
- 7. **Feedback Mechanisms:** Establishing mechanisms for continuous feedback from members to assess the effectiveness of governance and make necessary adjustments.
- 8. **Metrics:** Establishing mechanisms to monitor trends in the frequency and nature of complaints, the direction of activity (e.g. superior to subordinate, uniform to civilian, uniform to uniform, civilian to civilian), the units involved and the outcomes of complaints including a comparative disciplinary analysis.
- 9. Leadership Accountability: Holding leaders accountable for promoting a positive workplace culture and addressing any issues promptly, as well as for matters investigated and unsubstantiated, nevertheless teaming issues or other workplace conflict continues to persist. Incorporating this into the leader's workplace performance metrics and promotional processes.
- 10. Oversight and Evidence-Based Studies: Establishing independent oversight bodies or mechanisms to ensure consistency and transparency in investigations and resolutions. Engaging third-party experts to support in identifying barriers and gathering member perceptions to support systems change.
- 11. **Legal Compliance:** Ensuring that organizational governance and actions align with the Community Safety Policing Act, 2019 (CSPA), the Occupational Health and Safety Act, and the Ontario Human Rights Code as they relate to workplace harassment and discrimination. Ensuring that the Service governance on workplace harassment and discrimination is reviewed as often as necessary but at least annually. (OHSA 32.0.1(1)(c))

12. Prevention Strategies: Implementing proactive measures to prevent harassment and discrimination, such as more robust human resources programming; greater profiling, career pathing, and professional development for members; enhanced training; collection of socio-demographic data; bolstering of health and wellness programs; modernization of hiring and promotional processes; performance management process improvements; awareness campaigns and mentorship programs.

#### **Individual Accountability**

Individual accountability refers to the consequences for individuals whose actions impede the organization's goals of achieving a workplace free of harassment and discrimination. Many services acknowledge disparity between uniform and civilian consequences, with civilians often receiving outcomes that align more closely with the current labour regime. Jurisprudence and applicable legislation (CSPA) applied to uniform members is often dated and fails to hold uniform members accountable for egregious behaviour.

The key aspects of individual accountability include:

- 1. Adherence to Standards of Conduct: All members are expected to know and to uphold and abide by service governance, by refraining from any form of harassment or discrimination, reporting harassment and discrimination if witnessed, and cooperating fully in any investigation of a harassment or discrimination complaint.
- 2. Duty of Supervisors: Managers and supervisors have a heightened responsibility to act immediately on observations or allegations of harassment or discrimination. Managers and supervisors are responsible for creating and maintaining a harassment- and discrimination-free work environment, and should address potential problems before they become serious.
- 3. Reporting: Ensuring members understand they have a duty to report incidents of workplace harassment, discrimination and reprisal.
- 4. Education, Training, and Awareness: Participating in interactive, scenario-based training and awareness programs, including topics focusing on workplace harassment and discrimination; bystander intervention; and equity, diversity and inclusion.

- Feedback: Providing feedback to measure the effectiveness of governance for continual improvements, and sharing ongoing experiences and perspectives to allow services to develop and implement solutions to building equitable, supportive and inclusive workplaces.
- 6. Creating a Respectful Workplace: Every member has a duty to create a respectful workplace by:
  - a. listening and allowing others to speak
  - b. being supportive, cooperative and inclusive
  - c. expressing differences of opinion constructively and professionally
  - d. respecting professional boundaries
  - e. intervening to prevent unnecessary harm

The above factors highlight the importance of including education and awareness of expectations as well as member and manager roles and responsibilities to address harassment and discrimination. Best practices recommend that these factors be in place when considering transforming culture through accountability.

# **Accountability - Next Steps**

A critical challenge to modernizing accountability is bringing greater consistency in outcomes for incivility, harassment and discrimination, particularly between uniform and civilian members. In addition to this, greater attention is needed to assigning appropriate accountability to harassment or discrimination when compared to other forms of misconduct. The Provincial Working Group will be continuing its efforts to achieve this goal for best practices moving forward.



# Accountabilities specific to Sub-Committees

#### **Education and Prevention**

- Every member is responsible to attend training on workplace harassment and discrimination
- Every member is responsible to know the workplace harassment and discrimination governance
- Every member is responsible to maintain a respectful workplace
- Everyone has a duty to report
- Everyone has a duty to intervene and become an active bystander
- The organization is responsible for providing workplace harassment and discrimination training
- Supervisors are responsible for providing a psychologically safe work environment

#### Intake and Assessment

- Ensuring all members are aware of:
  - process and timelines
  - roles
  - confidentiality
  - goals and expectations
  - wellness and legal supports available
- All intakes and assessments are documented and tracked
- Aggregate data is collected, analyzed and reported to the Police Service's Board (including the range of penalties)
- Service's workplace harassment and discrimination governance is in written form and posted conspicuously including avenues to report workplace harassment and discrimination.

#### **Investigations**

- Must consider wellness of all members in wording of notifications
- Consider disparity in rank/class between the complainant and respondent, investigator and respondent, and respondent and witnesses
- Complainant and respondent are informed in writing of the results of the investigation and of any corrective action that has been taken or that will be taken as a result of the investigation
- No benefit or privilege based on position, role, designation or influence
- Ensure quality and thoroughness
- Transparent and open to review
- Consult with MAG when considering laying criminal charges
- Seek 3rd party intervention when the integrity of the Service might come into question
- Transparent made public if the member is sworn and criminal charges
- Transparent made public if the member is sworn and CSPA tribunal
- For unit level discipline (unit level discipline):
  - Have oversight body to review for consistency in penalty
  - Have oversight body to ensure the penalty or other remedies are imposed and completed
- Collect, analyze and report on aggregate data for incidents

#### **Resolutions and Outcomes**

- Resolutions consistently consider and reflect remedies outside of traditional punitive style discipline
- All resolutions and outcomes are documented and tracked
- All resolutions and outcomes are subject to review by an oversight committee
- Penalties are consistent with other public service industries