



Classification: Public

Meeting: July 20, 2021

Agenda Item: Preventing and Responding to Workplace Violence and Harassment Policy

Author: Holly Britton

Recommended Motion:

“THAT the Board find that all provisions of the Preventing and Responding to Workplace Violence and Harassment policy have been complied with.”

I hereby submit my monitoring report on your Executive Limitations Policy: Preventing and Responding to Workplace Violence and Harassment. I certify that the information contained in this report is true.

I report compliance on all provisions of this policy.

Signed:



Date:

July 7/21

BROADEST POLICY PROVISION: *“The Board is committed to providing a work environment in which all members are treated with dignity and respect. Preventing workplace violence and harassment and addressing allegations of violence or harassment in a timely and impartial manner are essential to maintaining a safe, healthy and respectful workplace. The Board will not condone any incidents of workplace violence or harassment and endeavours to respond to allegations of violence and harassment effectively, and to ensure the implementation of appropriate processes and procedures to support a safe workplace. The Board recognizes that unwanted behaviours in the workplace must be addressed early to reduce the impact on members and the organization, and to minimize the potential for workplace harassment to lead to workplace violence.”*

Interpretation of the Chief of Police:

It is my interpretation that the objective of this executive limitation policy is to emphasize the importance of a physically and psychologically safe workplace and to recognize our employer obligations relating to workplace violence and harassment set out in the Occupational Health and Safety Act of Ontario ("OHSA").

"The Chief of Police shall ensure that all provisions of the Occupational Health and Safety Act are adhered to, and shall further:"

Policy Provision #1

1. *"Take all reasonable steps to protect members from workplace harassment or violence."*

Interpretation of the Chief of Police:

It is my interpretation that I shall ensure that all reasonable steps are taken to protect members from workplace violence and harassment and from the risk of domestic violence in the workplace.

Data Support:

The Service through the directives, Respect in the Workplace [Anti-Harassment and Violence Policy] HR-02-011, and Occupational Health and Safety HR-05-002, ensures that all reasonable steps are taken to protect members from workplace violence and harassment and from the risk of domestic violence in the workplace.

Policy Provision #2, #3, #4, #5, #6 and #7

2. *"Develop and implement a written workplace violence and harassment directive and review the directive annually."*
3. *"Ensure that the directive is communicated and posted appropriately and that the members of the Service are educated with respect to the directive."*
4. *"Ensure that a workplace violence risk assessment is undertaken and consider the risks of workplace violence that may arise from the nature of the workplace, the type of work or the conditions of work."*
5. *"Ensure that the results of the workplace violence risk assessment are provided to the Joint Occupational Health and Safety Committee."*

6. *“Reassess the risks of workplace violence as often as is necessary, but at least annually, to ensure that the related policy and program continue to protect workers from workplace violence.”*
7. *“Develop and maintain, in consultation with the joint Occupational Health and Safety Committee, a written program to implement the directive with respect to workplace violence and workplace harassment as prescribed by the Occupational Health and Safety Act.*
 - a) *With respect to addressing workplace violence, the program shall:*
 - i. *include measures and procedures to control the risks identified in the assessment of workplace violence likely to expose a worker to physical injury;*
 - ii. *include measures and procedures for summoning immediate assistance when workplace violence occurs or is likely to occur;*
 - iii. *include measures and procedures for workers to report incidents of workplace violence to the employer or supervisor;*
 - iv. *set out how the employer will investigate and deal with incidents or complaints of workplace violence; and*
 - v. *ensure that the right to refuse work is subject to Section 43(1) and 43(2)(a) of the Occupational Health and Safety Act, which stipulates that anyone employed in a police service cannot assert the right to refuse to work when the particular job or task is inherent in the employee's work; is a normal condition of the member's employment; or when a refusal to work would directly endanger the life, health or safety of another person; and,*
 - vi. *include any other requirements prescribed by law.*
 - b) *With respect to addressing workplace harassment, the program shall:*
 - i. *include measures and procedures for workers to report incidents of workplace harassment to the employer or supervisor;*
 - ii. *include measures and procedures for workers to report incidents of workplace harassment to a person other than the employer or supervisor, if the employer or supervisor is the alleged harasser;*
 - iii. *set out how incidents or complaints of workplace harassment will be investigated and dealt with;*
 - iv. *set out how information obtained about an incident or complaint of workplace harassment, including identifying information about any individuals involved, will not be disclosed unless the disclosure is necessary for the purposes of investigating or taking corrective action with respect to the incident or complaint, or is otherwise required by law or a lawful agreement with an Association representing members;*
 - v. *set out how a worker who has allegedly experienced workplace harassment and the alleged harasser, if he or she is a worker of the employer, will be informed 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; and,*

- vi. *include any other requirements prescribed by law.”*

Interpretation of the Chief of Police:

It is my interpretation that, at minimum, a DRPS directive that addresses workplace violence and harassment shall be posted and communicated to members. In addition to the directive, a written program must be developed and maintained with the Joint Occupational Health and Safety Committee that addresses workplace violence and harassment. Both the directive and the program shall be reviewed annually. It is my interpretation that a risk assessment must be completed at least annually to establish that the directive and program continue to protect members from workplace violence. The results of the risk assessment will be provided to the Joint Occupational Health and Safety Committee. It is my interpretation that DRPS shall – in consultation with the joint Occupational Health and Safety Committee - develop and implement a written program to address workplace violence and workplace harassment that shall include: measures and procedures for members to report incidents of violence and harassment, information about how complaints will be investigated and handled, how information about complaints and incidents will be kept confidential (unless disclosure is required for investigation or responding to the incident), how the complainant will be notified of the results of the investigation and the response to the incident, and any other requirements prescribed by law.

Data Support:

The Workplace Violence and Harassment Statistics Bill 168, the Occupational Health and Safety Amendment Act (Violence and Harassment in the Workplace) 2009, came into force on June 15, 2010. As a result of this amendment, the *OHSA* now includes definitions of workplace violence and workplace harassment, and Part III.0.1 describes employer obligations with respect to violence and harassment in the workplace. The Service’s directive, Respect in the Workplace [Anti-Harassment and Violence Policy] HR-02-011, sets out procedures to be followed where allegations of harassment and violence occur. The directive is compliant with the direction set out in the Board’s policy statement.

Furthermore, the Joint Health and Safety Committee is provided updates monthly on all injuries on duty including workplace violence. In 2020, there was one incident of workplace violence reported and zero from January to May 31, 2021. The complaint received was categorized as having the potential to meet the criteria of workplace harassment as defined in the *OHSA*. It was investigated by Professional Standards and resolved.

The *OHSA* sets out that the Joint Health and Safety Committee members are required to meet at the workplace at least once every three months [subsection 9(33)]. In 2020 the committee met six times and has met five times in 2021. Annually, the committee reviews and updates the risk assessment for each location within the Service. The assessments are completed with both management and association representatives of the committee and documented in the meeting minutes. In addition, the JHSC representatives have met monthly with the Emergency Operations

Centre during the pandemic to provide input on safety procedures and personal protective equipment.

The Service's Respect in the Workplace Committee reviews complaints filed by members and assigns investigators as appropriate in each circumstance. Investigative findings and actions taken are reported to the Board at the conclusion of each formal investigation. In 2020, there were 9 formal complaints filed by internal members against their coworkers. No such complaints have been received as of May 31, 2021.

Policy Provision #8

8. *"Review the program as often as necessary, but at least annually, to ensure it adequately addresses this policy."*

Interpretation of the Chief of Police:

It is my interpretation that DRPS shall review this program at least annually to ensure its continued compliance with the Board policy.

Data Support:

The Service's directive, Respect in the Workplace [Anti-Harassment and Violence Policy] HR-02-011, sets out procedures to be followed where allegations of harassment and violence occur. The last revision date was February 2019, and the policy is currently under review. The Diversity Advisory Committee (DAC) was approached for input and review. The feedback was shared with the Respect in the Workplace Committee in April 2021. All changes are being finalized with a completion date of Fall 2021.

Policy Provision #9 and #10

9. *"Appoint a workplace co-ordinator with respect to issues related to workplace violence and harassment."*
10. *"Ensure that retaliation or reprisal for allegations of harassment made in good faith will not be tolerated."*

Interpretation of the Chief of Police:

It is my interpretation that I shall appoint a co-ordinator to handle issues and complaints related to workplace violence and harassment. It is my interpretation that I shall ensure members are safe from retaliation or reprisal when reporting incidents of workplace harassment or workplace violence. I shall ensure members are aware that DRPS does not condone retaliation or reprisal against those who report workplace harassment or violence and will respond to any retaliation or reprisal accordingly.

Data Support:

The Respect in the Workplace committee functions as the coordinator with respect to harassment and violence in the workplace. Further, the committee has a Chair for process oversight, this Chair is the co-ordinator appointed by the Chief. Section 19 of the Respect in the Workplace Directive, "Protection from Retaliation" reinforces that reprisal for participation in an investigation will not be tolerated. This policy is reinforced in the communication to participants in the process. Any allegations of reprisal are investigated.

Policy Provision #11 and #12

11. *"Ensure that measures are in place to address the risk of domestic violence in the workplace."*
12. *"Take every precaution reasonable in the circumstances for the protection of a member if a person in authority becomes aware or ought reasonably to be aware of domestic violence that would likely expose a worker to physical injury that may occur in the workplace. If the circumstances require the disclosure of personal information, the Chief shall ensure that no person in authority discloses more personal information than is reasonably necessary to protect the member from physical injury, and any disclosure of personal information shall be in compliance with the provisions of the Police Services Act and the Municipal Freedom of Information and Protection of Privacy Act."*

Interpretation of the Chief of Police:

It is my interpretation that I shall ensure all steps are taken to address and minimize the risk of domestic violence in the workplace. It is my interpretation that I shall ensure members in positions of authority are aware of their obligation to take all necessary precautions to protect another member from potential exposure to physical injury in the workplace resulting from domestic violence. I shall further ensure that members in positions of authority do not disclose more personal information than required to protect the member from physical injury and that the disclosure of personal information shall only be done in accordance with the Police Services Act and the Municipal Freedom of Information and Protection of Privacy Act.

Data Support:

The OHSA requires employers to take every reasonable precaution to protect employees at risk of physical injury as a result of domestic violence. Together with the Respect in the Workplace directive noted above, the Domestic Violence Occurrences (LE-01-024) directive sets out procedures to address domestic violence and support for members dealing with same. No complaints of domestic violence in the workplace were received in 2020 or as of May 31, 2021.