



Violence and Harassment in the Workplace

PRP -AI-003

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Policy Statement

It is the policy of the Regional Municipality of Peel Police Services Board that the policy requirements set out in this document shall form part of the Board Policies and the Chief of Police is hereby directed to comply with these requirements in his/her administration and operation of the Peel Regional Police.

The Board is committed to enhancing employee wellness by providing a safe and healthy work environment for its members, Board staff and for members of Peel Regional Police.

The Board recognizes that its members, its staff and members of Peel Regional Police have the right to work in an environment free from discrimination, harassment and violence and will not condone any form of discrimination, harassment or violence.

The Board recognizes that unwanted behaviours in the workplace must be addressed early to minimize the potential for workplace harassment and workplace violence. Workplace violence and harassment is serious conduct that may constitute a violation of Canada's Criminal Code and/or the Ontario Human Rights Code.

1. Specific Definitions

Discrimination

Means a practice or behaviour which has a negative effect on an individual or group because of personal characteristics or circumstances unrelated to the person's abilities. Direct or indirect discrimination may be a result of differential treatment which will have an adverse effect on an individual or group.

The *Ontario Human Rights Code* states that every person has a right to equal treatment in employment without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed (religious beliefs), sex (includes pregnancy), sexual orientation, gender identity, gender expression, age (18 to 65), marital status, family status, record of offences, and disability (physical and mental disabilities, etc).

Member

Means all employees of the Peel Regional Police including temporary, contract, part-time staff and volunteers, and members of Peel Regional Police Services Board and Board staff.

Person in authority

Means a supervisor, manager, director or senior officer.

Prohibited Grounds

Under the *Ontario Human Rights Code* are: race, creed, color, ancestry, place of origin, ethnic origin, language or dialect spoken, citizenship, gender identity, gender expression, sex, sexual orientation, age, marital status, family status, physical or mental disability, criminal charges or criminal record.

Workplace

As defined in the *Occupational Health and Safety Act*, means “Any land, premises, location or thing at, upon, in or near which a worker works. “ In addition, all locations where business or social activities of the police service are conducted, including external training facilities, other locations where members may be assigned during periods of secondment and can also include incidents that happen away from work.

Workplace Harassment

Means an action or behaviour unrelated to the prohibited grounds of the *Ontario Human Rights Code* that causes a member to have anxiety or stress while at the workplace and affect's a member's performance of his or her duties. Examples include but are not limited to:

- I. persistent verbal abuse;
- II. unwelcome, unwanted or inappropriate jokes;
- III. taunting;
- IV. derogatory or dismissive comments;
- V. gestures that are insulting or belittling;
- VI. bullying;
- VII. conduct that shuns or excludes the member;
- VIII. persistently disrupting an individual's work, workplace or equipment;
- IX. interfering with a member's personal property;
- X. abuse of authority wherein a person with authority over the member improperly or unreasonably uses that power and authority to interfere with the member's performance, to threaten or negatively influence the member's career or job assignment or to threaten the economic livelihood of the member; and
- XI. any other conduct or behaviour that creates an intimidating, offensive or hostile work environment.

Workplace Sexual Harassment

As prescribed by the *Occupational Health and Safety Act* means:

- a) engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome; or
- b) making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought to reasonably to know that the solicitation or advance is unwelcome.

Workplace harassment and workplace sexual harassment may be action or behaviour related to prohibited grounds of discrimination under the *Ontario Human Rights Code*. Workplace harassment may also include harassment of a personal or emotional nature which is unrelated to the prohibited grounds of discrimination.

Workplace Violence

means:

- a) the exercise of physical force by a person against a worker, in a workplace that causes or could cause physical injury to the worker.
- b) An attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker,
- c) A statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace that could cause physical injury to the worker.

2. Policy Requirements

The Board directs that this section of the policy and any police service directive and/or procedure relating to violence and harassment in the workplace be based on the following principles:

- (a) That it is in complete compliance with legislative and constitutional requirements, and recognized legal principles;
- (b) That members act with full respect for human dignity and according to professional standards of skill, integrity and accountability; and
- (c) That it maintains both officer and public safety as a priority.

A. WORKPLACE VIOLENCE AND HARASSMENT

1. The Board shall take all reasonable steps to protect Board members and Board staff from workplace harassment, violence and discrimination and shall respond to all incidents of workplace harassment, violence and discrimination as prescribed by law.
2. The Chief of Police shall take all reasonable steps to protect members from workplace violence and/or harassment.
3. The Chief of Police shall develop and implement a written workplace violence and workplace harassment directive and shall review the directive annually.
4. The Chief of Police shall ensure that the directive is posted in a conspicuous place in the workplace.
5. The Chief of Police shall ensure that the members of the organization are educated with respect to the directive.
6. The Chief of Police shall ensure that the directive addresses the circumstances under which a member may refuse to work when workplace violence and/or harassment is likely to endanger himself or herself. The directive must address the occupational requirements of police officer in relation to any work refusal.
7. The Chief of Police shall ensure that the safety of all members is addressed during the course of an investigation into workplace violence and/or harassment. Members may be reassigned in the interests of safety.
8. The Chief of Police shall ensure that the operational policing duties in relation to an investigation into workplace violence and/or harassment are addressed in manner that is free of any conflict of interest.

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9. The Occupational Health and Safety Act permits an employee to refuse to perform a particular job or task if he or she believes it is hazardous to his or her health and safety. The Chief of Police shall ensure that this right to refuse work is subject to section 43(1) and 43(2) (a) 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.
 10. The Chief of Police may appoint a member in the workplace to act as a workplace coordinator with respect to workplace violence and workplace harassment.

B. WORKPLACE VIOLENCE PROGRAM

1. The Chief of Police shall develop and maintain a program to implement the directive with respect to workplace violence.
2. The workplace violence program shall include but is not limited to the following:
 - (a) measures and procedures to control the risks identified in the workplace risk assessment as likely to expose a member to physical injury;
 - (b) measures and procedures for summoning immediate assistance when workplace violence occurs or is likely to occur;
 - (c) measures and procedures for members to report incidents or complaints of workplace violence to the employer or person in authority;
 - (d) set out how the employer will investigate and deal with incidents or complaints of workplace violence; and
 - (e) include any prescribed elements.
3. The Chief of Police shall ensure that members are provided with information and training with respect to the content of the directive and program on workplace violence.

C. WORKPLACE HARASSMENT PROGRAM

1. The Chief of Police shall develop and maintain a program to implement the workplace harassment directive as prescribed by the *Occupational Health and Safety Act*.
2. The program shall include, but is not limited to the following:
 - (a) measures and procedures for members to report incidents of workplace harassment to the employer or supervisor;
 - (b) measures and procedures for members to report incidents of workplace harassment to a person other than the employer or supervisor, if the employer or supervisor is the alleged harasser;
 - (c) sets out how information obtained about an incident or complaint about workplace harassment including identifying information about individuals involved will not be disclosed unless the disclosure is necessary for the purposes of investigation or taking corrective action with respect to the incident or complaint or is otherwise required by law;
 - (d) sets out how a member who is 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 taken or what will be taken as a result of the investigation; and

- (e) measures and procedures for the investigation of incidents and complaints of workplace harassment;
 - (f) any elements prescribed by regulation.
3. The Chief of Police shall ensure that members are provided with information and training with respect to the content of the directive and program on workplace harassment.

D. WORKPLACE ASSESSMENT OF RISKS OF VIOLENCE AND HARASSMENT

1. The Chief of Police shall ensure that a workplace violence and harassment risk assessment is undertaken. This assessment shall consider the risks of workplace violence and harassment that may arise from the nature of the workplace, the type of work or the conditions of work.
2. The workplace violence and harassment risk assessment shall take into account the following considerations:
 - (a) Circumstances that would be common to similar workplaces;
 - (b) Circumstances specific to the workplace;
 - (c) Any other prescribed elements.
3. The Chief of Police shall ensure that the results of the workplace violence and harassment risk assessment are provided to the Occupational Health and Safety Committee.
4. The Chief of Police shall reassess the risks of workplace violence and harassment as often as is necessary to ensure that the related directive and program continue to protect workers from workplace violence and harassment.

E. DOMESTIC VIOLENCE

1. The Chief of Police shall ensure that measures are in place to address the risk of domestic violence in the workplace.
2. The Chief of Police shall 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 that domestic violence that would likely expose a worker to physical injury may occur in the workplace.

F. DUTY TO DISCLOSE PERSONAL INFORMATION

1. The Chief of Police shall ensure that a member receives information, including personal information, related to a risk of workplace violence and/or harassment from a person with a history of violent behaviour if the member can be expected to encounter that person in the course of his or her work; and the risk of workplace violence and/or harassment is likely to expose the member to physical injury.
2. If the circumstances require the disclosure of personal information, the Chief of Police shall ensure that no person in authority disclose more personal information than is reasonably necessary to protect the member from physical injury.

3. 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*.

3. Monitoring Requirements

The Chief of Police shall:

1. Regularly assess the risks of workplace violence and harassment to ensure the related directive and programs continue to protect members from workplace violence and harassment including sexual harassment, and discrimination; and
2. Regularly assess the effectiveness of the Service's Workplace Violence and Harassment Prevention programs.

4. Reporting

The Chief of Police shall report on an exception basis. This applies to those circumstances where an inquiry or investigation under this policy may result in an "exceptional" circumstance, or a circumstance which may be detrimental to the police service; and/or has significant issues of potential liability to the Board and the police service.

5. Authority/Legislative Reference

Ontario Occupational Health and Safety Act , R.S.O. 1990, c.O.1

Ontario Human Rights Code

Police Services Act, Regulation 123/98

Municipal Freedom of Information and Protection of Privacy Act

Board Minute #58/10

Board Minute #60/15

Board Minute #08/17

Replaces: Human Rights Complaints – Adopted 1996/02/23 (*pages II-N-4-II-AA-5*)

6. Linkage to Appropriate Police Service Procedure/Directive

I-A-214(F) Workplace Violence

I-A-205(F) Workplace Discrimination and Harassment

PRP AI-003 Equal Opportunity, Discrimination and Workplace Harassment