

# Report to Peterborough OPP Detachment Board

**To:** Chair & Members  
**From:** Bianca Dragicevic, Interim Board Administrator  
**Date:** October 21, 2024  
**Re:** Policy 1.01 – Abuse, Discrimination, Harassment, and Violence Policy Approval

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## **Recommendation:**

**That** the Board receive the report from the Interim Board Administrator regarding Policy 1.01 – Abuse, Harassment, and Violence Policy; and further

**That** the Board approve Policy 1.01 – Abuse, Harassment, and Violence Policy, as presented.

## **Financial Implications:**

There are no financial implications as a result of this report.

## **Background:**

During the process for obtaining insurance, Ontario Association of Police Services Board (OAPSB) advised that the insurers require the Board to have a written policy with regard to abuse and abuse prevention which is reviewed by all employees, sub-contractors, and volunteers. They required this confirmation at the time of submitting the application for the insurance policy. However, recognising that not all Boards would have this at the time, they granted Boards 30 days from the activation date of the insurance policy. For Peterborough OPP Detachment Board, the activation date is October 2, 2024, therefore the policy must be passed by November 1, 2024.

As there is a requirement for the Board to have this policy, a policy was developed utilizing a sample provided by another Board through the OAPSB and through other similar policies. All Board Members must review the policy in detail and requires a sign-off from anyone impacted by the policy. This policy can be amended at any time and it is recommended that all parties must sign-off on the policy any time it is amended.

## **Consultations:**

None.

## **Appendices:**

Appendix A - Policy 1.01 – Abuse, Discrimination Harassment, and Violence Policy

Submitted by:

*Bianca Dragicevic*

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Bianca Dragicevic, Interim Board Administrator

**Peterborough OPP Detachment Board**  
**1.01 Abuse, Discrimination, Harassment, and Violence Policy**

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## **1. Purpose**

The Peterborough OPP Detachment Board (“the Board”) is committed to providing and maintaining a professional working environment that is based on respect for the dignity and rights of everyone. It is the Board’s goal to provide and maintain a healthy and safe work environment that is free of any form of abuse, discrimination, harassment or violence. The Board will not tolerate or condone discrimination, harassment or violence in the workplace. This policy is intended to identify behaviours that are unacceptable and establish a procedure to receive and manage complaints.

It is everyone’s responsibility to ensure that a workplace free from abuse, discrimination, harassment and violence is created and maintained, and to address violence or the threat of violence from all possible sources (including individuals who are not employees of the Board, such as suppliers and all members of the public).

## **2. Scope**

This policy applies to all employees and members of the Board, contractors, and volunteers. It applies in any location in which employees or members are engaged in work-related activities. This includes, but is not limited to:

- the workplace
- during work-related travel
- at restaurants, hotels or meeting facilities that are being used for business purposes
- during telephone, email or other communications
- at any work-related social event, whether or not it is employer-sponsored

This policy also applies to situations in which employees are harassed or subjected to violence in the workplace from individuals who are not employees of the Board, such as suppliers and all members of the public, although the available remedies may be constrained by the situation.

## **3. Definitions**

**Abuse** – means any action, act omissions or incident in which an employee, Board Member, contractor or volunteer are abused, threatened, harmed, injured, or assaulted in circumstances arising from their employment or volunteering, as a direct or indirect action or omission of another employee, volunteer or third party. This includes but is not limited to physical, psychological, emotional, verbal or sexual abuse.

**Discrimination** – means workplace discrimination which includes any distinction, exclusion or preference based on the protected grounds in the Ontario Human Rights Code (“the Code”) which nullifies or impairs equality of opportunity in employment, or equality in the terms and conditions of employment.

The protected grounds of discrimination are:

- race, colour, ancestry, citizenship, ethnic origin or place of origin
- creed, religion
- age
- sex (including pregnancy and breastfeeding)
- gender identity and gender expression
- sexual orientation
- family, marital (including same-sex partnership) status
- disability or perceived disability
- a record of offences for which a pardon has been granted under the federal Criminal Records Act and has not been revoked, or an offence in respect of any provincial enactment

**Discriminatory Harassment** – means comments or conduct based on the protected grounds in the Code which the recipient does not welcome or that offends them. Some examples of discriminatory harassment include:

- offensive comments, jokes or behaviour that disparage or ridicule a person’s membership in one of the protected grounds, such as race, religion or sexual orientation
- imitating a person’s accent, speech or mannerisms
- persistent or inappropriate questions about whether a person is pregnant, has children or plans to have children
- inappropriate comments or jokes about an individual’s age, sexual orientation, personal appearance or weight

**Poisoned Work Environment** – means harassing comments or conduct can poison someone’s working environment, making it a hostile or uncomfortable place to work, even if the person is not being directly targeted. This is commonly referred to as a poisoned working environment and it is also a form of harassment.

Some examples of actions that can create a poisoned work environment if they are sufficiently serious or occur repeatedly include:

- deliberately excluding or socially isolating another individual from the team; for example, extending lunch invitations and deliberately omitting to ask the individual
- displaying offensive or sexual materials, such as posters, pictures, calendars, websites or screen savers

- distributing offensive e-mail messages or attachments, such as pictures or video files
- practical jokes that embarrass or insult someone
- jokes or insults that are offensive, racist or discriminatory in nature

**Sexual Harassment** – means “Workplace sexual harassment” as defined in the Ontario Occupational Health and Safety Act (“the OHSA”) as:

- (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 reasonably to know that the solicitation or advance is unwelcome.

**Workplace Harassment** – means, in accordance with the OHSA,

- (a) engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome, or
- (b) work place sexual harassment.

Workplace harassment may have some or all of the following components:

- it is generally repetitive, although a single serious incident may constitute workplace harassment if it undermines the recipient’s psychological or physical integrity and has a lasting harmful effect
- it is hostile, abusive or inappropriate
- it affects the person’s dignity or psychological integrity
- it results in a poisoned work environment
- it intimidates, isolates or discriminates against the recipient

**Workplace Violence** – means, in accordance with the OHSA,

- the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker,
- an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker,
- 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.

#### **4. Exemptions to the Definition of Harassment**

The OHSA states that:

A reasonable action taken by an employer or supervisor relating to the management and direction of workers or the workplace is not workplace harassment.

Therefore, workplace harassment should not be confused with legitimate, reasonable management actions that are part of the normal work function, including measures to correct performance deficiencies, such as placing someone on a performance improvement plan; imposing discipline for workplace infractions; and requesting medical documents in support of an absence from work

Workplace harassment also does not include normal workplace conflict that may occur between individuals or differences of opinion between co-workers.

## **5. Duties and Responsibilities**

### **5.1 Board Members**

Board Members are expected to assist in creating a harassment-free workplace and ensure that measures and procedures in the abuse, discrimination, harassment and violence prevention program are carried out. Board members will also ensure that this policy is made readily available. Board members shall:

- Ensure compliance by all who have a relationship with the Board;
- Hold staff accountable to responding to and resolving complaints;
- Conduct regular risk assessments;
- Establish control measures;
- Establish and deliver training and education to employees;
- Integrate safe behaviour into day-to-day operations;
- Maintain and follow this policy including any procedures related to the investigation, reporting, and follow-up for incidents, as necessary;
- Take corrective action, debrief those involved in the incident either directly or indirectly, and provide response measures, as required;
- Identify and alert staff to violent persons and hazardous situations;
- Facilitate medical attention and support for those involved directly or indirectly;
- Immediately report a death or critical injury to a Ministry of Labour inspector, WSIB, and the police, as required, and follow all timelines and reporting requirements;

- Track and analyze incidents for trending and prevention initiatives; and
- Ensure the workplace abuse, discrimination, harassment and violence prevention program is reviewed at least once a year.

## **5.2 Employees**

Employees must do their part by ensuring that their behaviour does not violate this policy and by fostering a work environment that is based on respect and is free of harassment.

Employees shall:

- Participate in education and training programs in order to respond suitably to incidents of workplace abuse, discrimination, harassment or violence;
- Report to the Board the existence of any workplace abuse, discrimination, harassment or violence or threat of workplace abuse, discrimination, harassment or violence;
- Understand and comply with the violence and harassment prevention policies and related procedures;
- Contribute to risk assessments;
- Seek support when confronted with violence/harassment or threats of violence, and get medical attention when required; and
- At least once a year, participate in a review of the workplace abuse, discrimination, harassment or violence prevention program.

## **6. Procedure for Reporting and Investigating Complaints**

Employees are to report all abuse, discrimination, harassment or violence-related incidents, hazards or threats to the Board Chair or their supervisor. In instances where the supervisor or the Board Chair is the person engaging in the abuse, discrimination, harassment, or violence the complaint should be brought to the Vice-Chair and the Vice-Chair is responsible for these procedures.

The report can be made confidentially at the employee's request. However, the sharing of information to ensure the safety of others and prevent recurrence may be necessary (e.g. contents of a police report).

A formal complaint should be submitted as soon as possible and contain as much written information as possible, including the complainant's name, the name of the alleged harasser, the place, date, frequency and time of the incident(s), and the names of any possible witnesses and their contact information (if known) and should be completed on the Harassment and/or Discrimination Complaint Form or the Violent Incident Report Form, as applicable.

The Board Chair receiving the complaint shall arrange for an investigation and ensure that measures are taken to safeguard employees and Board Members and mitigate the violence or harassment. No report of workplace violence or harassment or risks of violence may be the basis of reprisal against the reporting employee. However, the Board will not tolerate a false and malicious complaint.

Although the Board has limited control over third parties, the Board will do its best to address the issue and prevent further problems from arising.

## **6.1 Investigation Procedure**

The Board Chair will ensure that an investigation is commenced as quickly as possible. If the resolution of the complaint is beyond the authority of the Board Chair, they shall make the Board aware of the report. They may use either an internal or external investigator, depending on the nature of the complaint. The Board will ensure that the investigator is not the respondent, is not under the direct control of the respondent, and is able to conduct an objective investigation.

The Board Chair, or the Board as applicable, will review all incident reports, monitor trends and review recommendations for prevention and enhancements to the Abuse, Discrimination, Harassment and Violence Policy and Procedures, as necessary.

The investigation will include:

- interviewing the complainant and respondent to ascertain all of the facts and circumstances relevant to the complaint, including dates and locations
- interviewing witnesses, if any
- reviewing any related documentation
- making detailed notes of the investigation and maintaining them in a confidential file.

Once the investigation is complete, the investigator(s) will prepare a detailed report of findings to the Board. The report will include:

- a summary of the steps taken in the investigation
- a summary of the complaint, allegations and response
- a summary of the evidence of witnesses (if any) and documentary evidence gathered
- the investigator's findings of fact
- the investigator's conclusion as to whether or not workplace harassment has occurred.

A summary of the findings will also be provided to the complainant and respondent in writing,



within 10 calendar days of the investigation being concluded.

Investigations will be completed within 50 days of the receipt of a complaint, where possible. Investigations will not exceed 90 days from the date of the complaint except in extenuating circumstances.

## **7. Corrective Action for Findings of Workplace Abuse, Discrimination, Harassment or Violence**

The Board Chair will determine what action should be taken as a result of the investigation.

The complainant and respondent will be informed of the results of the investigation and whether corrective measures were taken, if any were necessary. If a finding of workplace violence is made, the Board will take appropriate corrective measures, regardless of the respondent's seniority or position.

Corrective measures may include one or more of the following:

- discipline, such as a verbal warning, written warning or suspension without pay;
- termination with or without cause;
- referral for counselling (sensitivity training), anger management training, supervisory skills training or attendance at educational programs on workplace respect;
- financial penalties, such as the denial of a bonus or performance-related salary increase; and/or
- any other disciplinary action deemed appropriate under the circumstances.

If there is not enough evidence to substantiate the complaint, corrective measures will not be taken.

## **8. Confidentiality of Complaints and Investigations**

The Board recognizes the sensitive nature of complaints of harassment and violence and will keep all complaints confidential, including identifying information about any individuals involved in the complaints, to the extent that the Board is able to do so. The Board will only release as much information as is necessary to investigate and respond to the complaint or situation, to take corrective action, to protect workers, or if required to do so by law.

Out of respect for the individuals involved and to protect the integrity of the investigation process, it is essential that the complainant, respondent, witnesses and anyone else involved in the formal investigation of a complaint maintain confidentiality throughout the investigation and afterwards.

## **9. Record Keeping**

Records related to all complaints or incidents of workplace harassment, investigations, and reports will be subject to the confidentiality requirements of this policy. Records will be kept for a minimum of three years from the resolution of the complaint.

## **10. Education**

All employees and volunteers of the Board and Board members shall review this policy and sign Schedule A – Attestation.

New employees will receive orientation to the workplace abuse, discrimination, harassment and violence prevention program. In addition, all employees will receive an annual review of the program's components.

Any training developed, established, and provided will be done in consultation with and in consideration of any recommendations arising from investigation reports.

## **11. Protection from Retaliation**

The Board will not tolerate retaliations, taunts or threats against anyone who complains about harassment or workplace violence or takes part in an investigation. Any person who taunts, retaliates against or threatens anyone in relation to a harassment or violence complaint may be disciplined, up to and including termination with or without cause.

## **12. Review Cycle**

This policy will be reviewed annually.

## **13. Repeals**

None.

## **14. Related Information**

Revisions to this document may impact the following policies, procedures, by-laws, or documents.

<b>#</b>	<b>Document Title</b>
Document	Harassment and/or Discrimination Complaint Form
Document	Violent Incident Report Form

## **15. Policy Revisions**

Version	Date Approved	Board Resolution
1	October 21, 2024	DB2024-XXX

**Schedule A – Attestation**

With my signature, as a Member of the Board, employee or volunteer of the Board, I confirm that I have read, understand, and accept the requirements of this Policy and agree to abide by its terms.

Date: \_\_\_\_\_

Name: \_\_\_\_\_

Position: \_\_\_\_\_

Signature: \_\_\_\_\_

Peterborough OPP Detachment Board

**Harassment and/or Discrimination Complaint Form**

Related to Policy 1.01 – Abuse, Discrimination, Harassment and Violence Policy

This complaint form is for employees to report an incident or a complaint of harassment and/or discrimination.

Name of the Complainant:

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Contact Information:

**Phone:** \_\_\_\_\_

**Cell Phone:** \_\_\_\_\_

**Address:**

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Name of the Respondent and contact information, if available:

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**Details of the complaint of harassment/discrimination**

Please describe in as much detail as possible the bullying, harassment and/or discrimination incident(s), including:

- (a) the names of the parties involved;
- (b) any witnesses to the incident(s);
- (c) the location, date and time of the incident(s);
- (d) details about the incident(s) (behaviour and/or words used);
- (e) any additional details. (Attach additional pages if required)

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**Relevant documents/evidence**

Attach any supporting documents, such as emails, handwritten notes, or photographs. Physical evidence, such as vandalized personal belongings, can also be submitted. If you are not able to attach documents and they are relevant to your complaint, please list the documents below. If someone else has relevant documents, please note that below.

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Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**Note: The employer is obligated to conduct an investigation appropriate in the circumstances into incidents of harassment and/or discrimination, whether or not a formal complaint is filed.**

Peterborough OPP Detachment Board

**Violent Incident Report Form**

Related to Policy 1.01 Abuse, Discrimination, Harassment, and Violence Policy

<b>Complainant Information</b>		
Name:		Job Title:
Department:	Date of Incident:	Time of Incident:
Type of Incident: <input type="checkbox"/> Physical <input type="checkbox"/> Verbal <input type="checkbox"/> Other		
Description of Incident:		
Location of Incident:		
Medical Attention required (Please explain):		

Police Called? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, give details:	WSIB reports issued? <input type="checkbox"/> Yes <input type="checkbox"/> No Provide details:
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<b>Respondent Information</b>			
<input type="checkbox"/> Employee <input type="checkbox"/> Customer <input type="checkbox"/> Visitor <input type="checkbox"/> Delivery Person <input type="checkbox"/> Ex-employee <input type="checkbox"/> Other (please specify) _____			
Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female <input type="checkbox"/> Other/Unknown		Name (if known)	
Age	Height	Weight	Complexion
Other distinguishing marks:			
Vehicle description (if any):			
<b>Other Information</b>			
Has the respondent been involved in any previous incidents with employees? If yes, provide details.			
Did any working condition contribute to the incident?			
Name of witnesses:			

Please provide any other information you think is relevant:

Name of investigator (Please print)

Signature of Investigator

Date: \_\_\_\_\_