

6.10: PROFESSIONALISM IN THE OPP

6.10.1: INTRODUCTION

The conduct of an employee, both on and off duty, is scrutinized and applied to the OPP as a whole. The more professional the conduct, the higher the public's confidence and co-operation. Similarly, this generates greater personal pride in the employee and the OPP.

Positive Relationship

Positive relationships are essential to our business. Such relationships depend on mutual respect and understanding, appropriate attitudes and behaviours.

This policy outlines employee's and manager's responsibilities as they pertain to our conduct, our relationships with one another and the public, and the means by which we shall resolve complaints.

6.10.2: CONTEXT

Legal Context

An employee upholds public trust and provides the highest level of quality service consistent with their oath of allegiance and oath of secrecy as stated in the Public Service Act and the Police Services Act, as applicable. The highest standard of professionalism in policing enhances our opportunity to maintain a positive workplace, protect human rights, prevent discrimination and harassment.

The right of every person to equal rights and opportunities, as a beneficiary of policing services and as an employee, is enshrined in federal and provincial law. The Police Services Act directs police to safeguard rights guaranteed by both the Canadian Charter of Rights and Freedoms (Charter) and the Ontario Human Rights Code (Code).

More specifically, the Charter declares:

"Every individual is equal before and under the law and has the right to the equal protection and equal benefit of the law..."

The Code affirms:

"... it is public policy in Ontario to recognize the dignity and worth of every person and to provide equal rights and opportunities without discrimination"

Regulations made under the Police Services Act define a code of conduct for every police officer.

Policy Context

Professionalism in policing is also supported by Ontario Public Service (OPS) policies which apply to every OPP employee and with which every OPP employee shall be familiar. These policies aim to:

- avoid situations where an employee's private interests may be incompatible or in conflict with their public service responsibilities (Conflict of Interest and Post-Service Directive);
- prevent workplace discrimination and harassment (Workplace Discrimination and Harassment Prevention (WDHP) Policy);

- make human resource decisions based on merit (Equal Opportunity Operating Policy);
- identify, eliminate and prevent every employment barrier (Equal Opportunity Operating Policy); and
- provide employment accommodation for people with disabilities (Employment Accommodation for People with Disabilities Operating Policy).

6.10.3: ACCOUNTABILITY

- | | |
|-----------------------------|---|
| Employee | Each employee should regard the discharge of duties as a public trust and recognize their responsibilities as a public servant (refer to the <u>OPS Accountability Directive</u> for more information). In carrying out duties, an employee is accountable for: |
| Professional Ethics | <ul style="list-style-type: none"> • promoting a positive professional image; • serving with honesty and integrity, in a manner that places public interest above personal interests; • behaving above reproach both on and off duty and not bringing discredit upon the reputation of the OPP; • maintaining their composure in a trying situation, and refraining from using profane, abusive or insulting language; • respecting the dignity of the OPP and its uniform; • treating the public and employees in an impartial manner, in administering a program and service and responding to a problem; • refraining from discrimination and harassment, including an offensive remark or any other action, both in the workplace and during service delivery; • refraining from <u>illegal profiling</u>; • demonstrating courage in confronting others when behaviour, policies or practices are inconsistent with human rights laws and the OPP's espoused ethics, values and policies; |
| FIPPA | <ul style="list-style-type: none"> • providing full disclosure of publicly accessible information while respecting statutory, e.g. <u>Freedom of Information and Protection of Privacy Act</u>—FIPPA, regulatory or administrative rules governing confidentiality and the protection of privacy; |
| Conflict Of Interest | <ul style="list-style-type: none"> • promptly bringing to the attention of their manager/supervisor any real, perceived or potential <u>conflict of interest</u> as described in the <u>Code of Conduct</u> in the OPP. |
| Manager/ Supervisor | A manager/supervisor is accountable for promoting the highest standards of conduct possible within the OPP by: |
| Positive Workplace | <ul style="list-style-type: none"> • being a leader who creates and maintains a positive working environment free of discrimination and harassment and prevents <u>unacceptable behaviour</u> from occurring; • ensuring each employee knows that discrimination and harassment are not tolerated; |

- ensuring each employee knows that illegal profiling is not tolerated;
- creating a forum for staff to discuss ethical issues and dilemmas, encouraging people to bring issues forward and acting on those issues;
- **helping each employee recognize and speak out appropriately against inappropriate behaviour;**
- proactively monitoring the workplace to identify and address any potential issue;
- acting quickly, appropriately and objectively to resolve conflict and stop unacceptable behaviour as soon as possible upon becoming aware of it, i.e. not waiting to receive a complaint, so unacceptable behaviour will not escalate or be perceived to be condoned;
- restoring or improving a positive workplace relationship when an allegation, policy violation and/or their investigation have disrupted these relationships;

Performance Management

- **treating people fairly, with dignity and respect, and ensuring all workplace practices allow each employee an equal opportunity to participate;**
- clarifying expectations regarding performance and behaviour in the workplace and holding each employee accountable for both;
- **developing the knowledge and skills of every employee;**
- **providing ongoing, honest and constructive performance feedback;**
- recognizing noteworthy performance;

Conflict Of Interest

- taking the appropriate action on a real, perceived or potential conflict of interest as described in the Code of Conduct for the OPP;

More Information

- contacting the WDHP Information and Referral Service; and
- referring to Workplace Discrimination and Harassment Prevention in the OPS: A Manager's Guide and to the OPP Focus on Professionalism web site for more information.

6.10.4: PREVENTING DISCRIMINATION & HARASSMENT

Provider of Policing Service

As a provider of a policing service to the public, the OPP strives to:

- provide the best possible service in a fair and equitable manner to every community and individual within its jurisdiction; and
- maintain a respectful and co-operative relationship with all communities, valuing their diversity, and thereby fostering the kind of community support that is essential to effective policing.

Employer

As an employer, the OPP strives to:

- **implement fair and equitable employment practices for everyone's benefit;**
- **support a positive and respectful workplace that is free from discrimination and harassment;**

- undertake a range of preventative measures, especially communicating with every employee about this policy and the general effect of discrimination and harassment; and
- prevent, identify and correct actions of one employee towards another that, left unchecked, would result in employment-related discrimination and harassment.

Note: for definitions and prohibited conduct and grounds of employment-related discrimination and harassment, refer to Workplace Discrimination and Harassment Prevention (WDHP) Policy or Workplace Discrimination and Harassment Prevention in the OPS: A Manager's Guide.

Commitment As both a provider of a policing service and as an employer, the OPP is committed to:

- zero tolerance of discrimination and harassment, i.e. appropriate action will be taken to address any incidence of discrimination or harassment;
- appropriate proactive, prevention-oriented and cost-effective service;
- alternate dispute resolution process; and
- resolution of discrimination and harassment, as soon as possible, and in a way that least disrupts ongoing working relationships.

6.10.5: COMPLAINT PROCESS

The Commander—Professional Standards Bureau (PSB) shall be responsible for the administration and monitoring of the complaint process. The process is now a single system incorporating both public complaint and internal complaint investigations. The change results from the 1997 amendments to the Police Services Act, eliminating a separate public complaints system.

The Investigation Section of PSB is responsible for conducting and overseeing complaint investigations to ensure fairness and consistency of treatment to the public, our employees and the OPP. In addition, the Section conducts or oversees investigations into complaints of “workplace harassment” and violations of the Ontario Human Rights Code.

The Commander—PSB, shall conduct a yearly analytical review of all complaints to identify areas of concern to the Commissioner.

Internal Complaint

Application This policy concerning an internal complaint applies to all employment-related complaints, including a WDHP complaint and a complaint involving an auxiliary member or volunteer. All employees are encouraged to determine the nature of the concern and to answer any questions or resolve the concern if appropriate.

Former Employee This policy also applies to a complainant who is a former employee, auxiliary member or volunteer, generally within six months of separation from the OPP.

Resolution Process **Time Frame**
A complaint should be raised immediately but not later than six months of an alleged offence. Any situation older than six months that comes to a

supervisor's attention may be addressed if there is a strong reason for the complainant not acting sooner and if an appropriate resolution is feasible given the passage of time.

Multiple Redress

Resolution processes under this policy do not preclude, where applicable, a complainant making use of other collectively bargained (grievance) and statutory rights, e.g. anyone may file a complaint under the Human Rights Code and, where the respondent is a police officer, under the Police Services Act.

Goals

The goals of the resolution process are to:

- determine the problem, complaint, or issue;
- meet the interests of the parties to the complaint and the organization, in the most effective and least adversarial way possible and in a way that least disrupts ongoing relationships;
- stop the conflict or inappropriate behaviour and/or correct the problem;
- restore or improve positive workplace relationships, as soon as possible; and
- prevent recurrences of the conflict or inappropriate conduct.

Process Characteristics

The resolution process shall be:

- fair;
- responsive;
- timely;
- confidential;
- professional;
- impartial;
- consistently applied; and
- shall aim to preserve the dignity, self-respect and rights of all parties.

Options

The four resolution options are:

- direct management action;
- alternative dispute resolution (ADR);
- investigation; and
- police referral.

Responsibilities

Employee An employee shall:

- know and discharge their rights and responsibilities under this policy, legislation and OPS policies and directives including, but not limited to, the following:
 - Human Rights Code;
 - Police Services Act and regulations;
 - Accountability Directive;
 - Equal Opportunity Operating Policy;
 - (Workplace Discrimination and Harassment Prevention (WDHP) Policy);
 - Employment Accommodation for People with Disabilities Operating Policy;
 - Conflict of Interest and Post-Service Directive; and

In addition to the above, an employee, auxiliary member or volunteer is encouraged to:

- let the alleged offender know about the unwelcome conduct or action and its impact;
- quickly notify the first level of management not involved in the complaint, i.e. free of bias and conflict of interest, about allegations; and
- make use of resources which provide neutral and confidential information about this policy and resolution options, e.g. the WDHP Information and Referral Services.

Manager/Supervisor A manager/supervisor shall:

- ensure that the workplace is free from discrimination and harassment, including clarifying the types of workplace behaviour expected under this policy;
- ensure that everyone under their command:
 - knows and discharges their rights and responsibilities under this policy, legislation and OPS policies and directives; and
 - knows about resources which provide neutral and confidential information about this policy and resolution options;
- upon becoming aware of a potential inappropriate workplace behaviour, engage in preliminary fact-finding and assessment about the nature of the issue in order to determine next steps;
- declare a potential conflict of interest where the manager is, or may be perceived to be, either condoning or directly involved with an allegation (in such a case, another manager must take over responsibilities associated with a resolution);

- determine which resolution option is best suited to effectively resolve the complaint/issue by considering the needs, interests and goals of the parties and the nature, severity and complexity of the issue;
- initiate the appropriate resolution option, in consultation with the appropriate resources as needed;
- advise everyone under their command not to threaten or retaliate against any complainant, respondent or witness to a complaint; and
- for a WDHP complaint resolved at any stage:
 - complete the WDHP Incident/Complaint Tracking Form; and
 - forward the form in a confidential envelope to the Commander—Human Resources Bureau (HRB) who shall forward quarterly reports to the Ministry of Public Safety and Security—Human Resources Branch, Attention: Policy/Program Advisor, WDHP.

Employer

The OPP will make available resources that can provide neutral and confidential information about this policy and resolution options, e.g. the WDHP Information and Referral Service.

Employees Lodging Complaints

Where any OPP employee wishes to lodge a complaint concerning the conduct of another OPP employee they shall submit a memorandum outlining the specifics of the complaint through their immediate supervisor. Upon receipt, the supervisor shall consult with the detachment commander and the detachment commander shall forward the complaint to the Commander—PSB as an internal complaint.

If circumstances are such that this process is not appropriate for the employee, particularly in cases where the respondent of the complaint is the complainant's immediate supervisor or detachment commander, the complaint may be forwarded directly to the respective sergeant major.

Professional Standards Bureau Notification

A manager/supervisor shall immediately notify the Professional Standards Bureau (PSB) sergeant major where an allegation:

- involves comments or conduct that may constitute a criminal act; or
- could lead to discipline if substantiated.

Manager/Supervisor

A manager/supervisor shall ensure that:

- a criminal allegation is dealt with in the normal manner;
- duty reports are not requested until PSB has been contacted;
- witness(es) are not interviewed, except as necessary regarding short-lived evidence, or after discussion with PSB;
- every reasonable step is taken to secure and preserve evidence that might otherwise be lost;
- every reasonable step is taken to gather background information and evidence that the complainant can provide, for example, copies of photographs and witness statements;
- any OPP record that relates to the event is collected including: copies of notebook entries, occurrence reports, traffic reports, PCC tapes, in-car video tapes, and any other relevant information;

- the complainant and respondent are advised that PSB is being consulted; and
- once PSB has been notified, the complaint investigation will not be continued without the approval of PSB.

Direct Management Action

A manager/supervisor shall:

- address issues personally and directly by:
 - calling attention to the event, indicating it is unacceptable behaviour;
 - taking action to ensure unacceptable behaviour is modified;
 - following-up to ensure unacceptable behaviour is not repeated; and
 - informing and educating employees about unacceptable behaviour;
- if at all unclear about how to proceed, consult resources that can provide neutral and confidential information about this policy and resolution options, in order to avoid prejudging a situation or inadvertently making things worse;
- ensure that all employees know the ways in which workplace complaints can be resolved and of their right to be accompanied by another person when attending a discussion related to this policy (any costs incurred in exercising this right will be at the employee's own expense);
- practice progressive discipline, as required; and
- document the incident, including the resolution action taken.

Time frame

Unless the situation warrants immediate referral for formal alternate dispute resolution or investigation, a manager/supervisor shall attempt to resolve complaints within *four* weeks of becoming aware of an issue. While every effort must be made to comply with this time frame, failure to do so does not void the process.

Alternative Dispute Resolution

When applying the alternative dispute resolution option, a manager/supervisor shall:

- encourage and support parties to resolve issues and conflict co-operatively, voluntarily and on their own, if possible, but shall still follow up and reinforce positive resolutions/behaviour; or
- mediate a resolution with the parties, where the issue is not of a complex or serious nature.

Manager—Alternative Dispute Resolution—HRB

A manager/supervisor considering mediation may consult with the Manager—Alternative Dispute Resolution—HRB or refer to Workplace Discrimination and Harassment Prevention in the OPS: A Manager's Guide.

Time Frame

Mediation shall be completed within three weeks of a manager/supervisor assigning a complaint to a provider of alternate dispute resolution services, unless extenuating circumstances exist, such as one person being ill. While every effort must be made to comply with this time frame, failure to do so does not void the process.