

Commission for Public
Complaints Against the
Royal Canadian Mounted Police



Commission des plaintes
du public contre la
Gendarmerie royale du Canada

PUBLIC INTEREST INVESTIGATION INTO RCMP WORKPLACE HARASSMENT

FINAL REPORT

FEBRUARY 2013

Canada 

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INTRODUCTION

The Royal Canadian Mounted Police (RCMP) and its members and employees have increasingly been the subject of both public scrutiny and censure in recent years. While public concern initially focused on the performance of policing duties and the conduct of members towards the public they serve, what appeared to be a groundswell of members speaking largely through the media about their dissatisfaction with the organization quickly drew public attention to the manner in which the organization deals with its employees. In particular, accusations were leveled that RCMP management had ignored or inadequately dealt with systemic harassment, most notably of its female members, in the workplace.

Workplace conflict undoubtedly exists, in some form, in every place of employment in Canada, irrespective of industry or sector. While such conflict will not normally attract public attention, the seriousness of the allegations brought forward, and the pervasive and well-recognized presence of the RCMP and its symbols across the country, heighten the focus on the organization. Given the responsibilities and authorities of police officers, those whom they serve view themselves as having a stake in ensuring that members abide by their own stated values and the principles which guide their public conduct. As stated before the House of Commons Public Accounts Committee in the wake of the *Report of the Task Force on Governance and Cultural Change in the RCMP*: “. . . the RCMP were iconic It’s the symbol of everything that is right, good, fair, and just about Canada.”

Workplace conflict undoubtedly exists, in some form, in every place of employment in Canada, irrespective of industry or sector.

In light of the growing concern with how the RCMP handles complaints of workplace harassment, the Commission for Public Complaints Against the RCMP (Commission) launched a public interest investigation on November 16, 2011. In the course of that investigation, the Commission examined the manner in which complaints of harassment had been dealt with by the RCMP over the previous six years. Specifically, the Commission examined the extent of the RCMP’s overall compliance with its own policy in respect of complaints of workplace harassment, and the adequacy of that policy and related training.

Neither the Commission’s jurisdiction nor its mandate extend to making findings in respect of individual harassment complaints made to the RCMP, which are not public complaints about the conduct of members in the execution of their duties. The Commission nonetheless assessed the handling of each workplace harassment complaint filed, accepted public submissions suggesting recommendations for change, and conducted a number of interviews with interested parties.

The Commission examined the approximately 718 harassment complaints filed between 2005 and 2011, representing roughly 2.5 % of all employees of the RCMP. Ninety percent of complaints alleged what could be termed bullying. The Commission determined that the complaints were for the most part dealt with in accordance with the RCMP’s harassment policy. However, the manner in which the process could be applied in accordance with policy varied widely. In addition, the documentation may not capture all allegations brought forward given the potential of early diversion to an informal process. The Commission recommends that in order to accurately define the magnitude of the issue, the RCMP implement a systematically compiled and nationally comparable system of data collection and reporting in respect of all incidences of workplace conflict, including harassment.

The Commission examined RCMP policy in light of that of similar organizations, and good practices identified by the relevant academic literature. Several areas for improvement were identified on that basis. First, the Commission opines that investigation and/or decision-making independent of the RCMP may not be appropriate given the RCMP's responsibilities as an employer, namely ensuring a respectful workplace and making determinations in respect of discipline and reporting structures. Accordingly, the Commission recommends that the RCMP institute a centralized coordination and monitoring function for all decisions in respect of harassment. Such a function, which should also receive complaints of retaliation, should be located at RCMP headquarters and report directly to a senior executive outside the divisional chains of command. The Commission also recommends that an external mechanism for review of harassment decisions be implemented.

Having determined that the RCMP should retain responsibility for dealing with its harassment complaints, the Commission recommends certain measures designed to ensure the integrity of any such system. It recommends that harassment investigators receive mandatory specialized training, and that the RCMP develop clear standards in respect of investigations into harassment and workplace conflict. Equally, it recommends that the RCMP implement timelines for the treatment of harassment complaints, including for efforts at informal resolution.

The Commission also examined the RCMP's training for employees, supervisors and managers. It recommends that all supervisors and managers be required to complete a relevant training program within a defined time period, and that the online training module delivered to all employees address workplace conflict, including harassment, and be delivered on a regular basis.

Finally, the Commission underlines the importance of continuing evaluation of efforts to address the issues of harassment and workplace conflict, in order to determine whether and what progress has been made. The Commission recommends that the RCMP develop a comprehensive method of evaluation, and that the results of such evaluation be regularly and publicly reported.

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THE CHAIR-INITIATED COMPLAINT AND PUBLIC INTEREST INVESTIGATION

Following concerns expressed by RCMP members and members of the public through the media that allegations of workplace harassment have not been and are not adequately addressed by the management of the RCMP, the Interim Chair of the Commission initiated a complaint in respect of this issue on November 16, 2011, pursuant to subsection 45.37(1) of the *Royal Canadian Mounted Police Act* (RCMP Act) (**Appendix A**).

Specifically, the complaint was intended to examine the conduct of those unidentified RCMP members who have been notified, at any time between February 1, 2005, and November 16, 2011, of allegations of harassment by members or employees of the RCMP, and:

1. Whether those RCMP members notified of allegations of harassment adhered to the appropriate legislation, policies, procedures and guidelines in respect of workplace harassment;
2. Whether RCMP members conducting investigations into allegations of workplace harassment did so in a thorough and impartial manner; and
3. Whether existing RCMP policies, procedures and guidelines are adequate to ensure that allegations regarding RCMP members engaged in workplace harassment are dealt with fairly, effectively and thoroughly.

The Commission also instituted a public interest investigation into the complaint, pursuant to subsection 45.43(1) of the RCMP Act. The Commission outlined that in conducting its public interest investigation, it would assess either each instance or a random sample of instances identified in order to make its findings and recommendations, specifically examining such factors as timeliness of the response, choice of process, and member conduct in terms of the process used to respond to allegations of harassment. The Commission also emphasized that it would not make a determination in respect of the harassment alleged in individual cases, such determination falling outside of its legislated mandate.

Pursuant to subsection 45.43(3) of the RCMP Act, the Commission is required to prepare this written report setting out its recommendations with respect to its complaint. The Commission's mandate being remedial in nature, its aim is to identify any improvements that could be made, if appropriate, with the goal of satisfying the public's interest in enhancing and maintaining confidence in the national police force. A summary of the Commission's recommendations can be found in **Appendix B**.

GENDER AND HARASSMENT

Much like the issue of harassment, the issue of the representation and treatment of women within the RCMP has recently been the subject of concern. The RCMP Commissioner initiated a gender audit of the Force, completed in the fall of 2012, which listed the number of women in the RCMP at each rank, and essentially addressed the issue of the representation and promotion of women in the RCMP. In November 2012, the Minister of Public Safety directed that the RCMP draft a work plan for achievement of its gender representation goals; that plan was submitted on December 11, 2012, and has not yet been released either publicly or to the Commission. That notwithstanding, it is important to distinguish between the issue

While in no way wishing to minimise the impact of sexual harassment, it is my experience that other (non-sexual) forms of harassment are far more prevalent; and are often severely damaging to the individual officer, whether male or female. But they have an additional and pervasively negative impact on the police force itself: they create a climate of mistrust and intimidation, and they deprive the tax payer of the services of individuals who, because they feel the need to take extended periods of leave from their jobs, would otherwise be usefully employed in serving their communities.

- Person engaged in the medical treatment of RCMP members

of the recruitment, retention and promotion of women within the policing sector, and the issue of harassment, which will be addressed in this report.

Against this backdrop, it must be noted that the issues of gender and harassment within the RCMP risk becoming unduly conflated.

Since January 2012, the Commission has regularly monitored news media stories related to workplace harassment within the RCMP. More often than not, the RCMP members who are the subject of media reports or who comment on developments are female members who allege some form of sexual harassment. Generally speaking, news reports have highlighted dramatic and extreme instances of alleged sexual harassment within the RCMP. Care must be taken by RCMP executives to address not only the sensational, but more subtle expressions of workplace harassment, such that they are neither diminished nor overlooked.

In several of the high profile cases which have appeared in the media, the Commission conducted in-depth reviews of the RCMP's handling of the matters, as distinct from the veracity of the allegations themselves. In the cases reviewed, the RCMP had consistently properly considered and investigated the complaints, notwithstanding the inherent difficulty of investigating incidents allegedly having occurred many years earlier and without the benefit of independent witnesses. While the outcome of such matters may not have satisfied complainants, the Commission saw no indication of bias or negligence in respect of the conduct of those investigations themselves, notwithstanding the recommendations made throughout this report in terms of the manner in which the RCMP deals with harassment complaints writ large.

THE COMMISSION'S INVESTIGATION

Historically, attempts to quantify the incidence of workplace harassment both in the private and public sectors have been difficult. These difficulties stem in large part from the definitional variability in harassment. Given the lack of a generally accepted definition, enumerations of workplace harassment predictably vary in accordance with the preferred definition and corresponding variations in legal requirements. Accordingly, given the need to use a baseline for gathering appropriate and internally comparable data, the Commission's investigative methodology and assessment criteria were developed following review of the RCMP's current harassment policy, the majority of which has been in place since February 1, 2005.

ASSESSMENT OF HARASSMENT FILES

The Commission undertook to examine each file created following the filing of the prescribed RCMP harassment complaint form from February 1, 2005, to November 16, 2011, the date of initiation of its public interest investigation. The RCMP policy for dealing with harassment complaints and incidents of harassment, as will be outlined in detail below, requires first an assessment of whether a particular complaint falls within the policy definition of harassment, followed by a determination of whether and what type of investigation is required. Following a decision that the harassment definition is not met, that the definition is met but allegations are not substantiated, or that the definition is met and the allegations substantiated, the complainant is informed of such decision and of the action that will be taken. In light of those policy requirements and with a view to gathering potentially relevant background information,

Table 1: Harassment complaints by RCMP division

Division	Complaints Filed	% of employees
A (Ottawa)	11	2.5
B (Newfoundland & Labrador)	12	1.6
C (Quebec)	19	1.6
D (Manitoba)	35	2.7
E (British Columbia)	160	1.7
F (Saskatchewan)	63	4.8
G (Northwest Territories)	19	7.5
H (Nova Scotia)	35	2.3
J (New Brunswick)	52	4.9
K (Alberta)	145	3.6
L (Prince Edward Island)	5	4.5
M (Yukon)	0	0.0
O (Ontario)	81	5.0
HQ (includes Depot)	78	1.4
V (Nunavut)	3	1.9

the Commission created an assessment template. The Commission's assessment attempted to address a number of criteria, including:

- the gender, length of service and employee type of the complainant and respondent;
- the relationship between the complainant and respondent;
- whether or not the parties were open to mediation;
- whether the incident(s) complained of involved a single incident or a pattern of behaviour, and whether the alleged harassment was direct or indirect;
- the screening decision made and the time required;
- whether or not an investigation was completed and the time required;
- the final decision; and
- whether or not investigations were consistent and reasonably thorough.

The Commission was provided with 718 files deemed to be formal harassment complaints by the RCMP falling within the specified date parameters. In each of those files, the required form was filled out. The breakdown of files by RCMP division can be found in Table 1.¹

Overall and on average, the total number of complaints formally lodged represented approximately 2.5 % of all employees of the RCMP.

Among the files assessed by the Commission, it was noted that in total, 44 % of complainants were female, while 49 % were male. Seven percent of complainants were of unknown gender based on the file materials available, or multiple complainants/respondents were present. Sixty-one percent of complainants were regular RCMP members, while 39 % were either public service employees, civilian members or other employee types. The divisional breakdown of the preceding numbers can be found in Table 2.

Table 2: Complainants by division, gender and employee type

Division	Male	Female	Unknown	Regular Member	Other Employee Type
A (Ottawa)	5	6	0	5	6
B (Newfoundland & Labrador)	2	9	0	3	9
C (Quebec)	7	11	1	11	8
D (Manitoba)	15	20	1	16	19
E (British Columbia)	80	74	6	95	65
F (Saskatchewan)	26	1	36	51	12
G (Northwest Territories)	17	2	0	16	3
H (Nova Scotia)	20	14	1	25	9
J (New Brunswick)	31	20	1	31	21
K (Alberta)	51	93	1	74	70
L (Prince Edward Island)	5	0	0	5	0
M (Yukon)	0	0	0	0	0
O (Ontario)	28	28	1	72	9
HQ (includes Depot)	37	40	1	32	46
V (Nunavut)	1	2	0	2	1

With respect to respondents, in total, 71 % were male and 23 % female, while the respondent's gender was not identifiable through the file review in 6 % of cases. Seventy-three percent of respondents were regular RCMP members, while 27 % were either public service employees, civilian members or other employee types. The divisional breakdown of the preceding numbers can be found in Table 3.

Of the harassment files assessed, 386, or 54 % of total files, were determined to relate to repeated incidents of perceived harassment. The vast majority of formal harassment complaints filed in which the alleged harassment could readily be classified (approximately 90 %) cited what may be described as varying types of abuse of authority, such as bullying, psychological abuse, and belittling and demeaning behaviour. Files in which discrimination (on the basis of ethnicity, disability, etc.) was cited as the type of harassment suffered amounted to 6 % of complaints in which harassment could readily be classified.

Approximately 4 % of complainants, in files where a specific type of harassment was alleged, reported what may be termed sexual harassment, which includes comments of a sexual nature made to or witnessed by complainants.

Approximately 22 % of complainants and 9 % of respondents indicated that they would be open to mediation at the time of the complaint's filing; however, only 7 % of the formal harassment complaints lodged were determined from the file review to have been resolved through mediation.

The Commission determined through its file review that investigative steps were taken in 33 % of cases. The timeline for such investigations varied considerably, from a low of two weeks to a high of almost four years. However, these numbers cannot be cited with accuracy given the inconsistent reporting of initiation and completion dates, the varying points at which investigative steps can be employed throughout the process, the dichotomy between Code of Conduct and harassment investigations, and inconsistent practices between RCMP divisions.

Table 3: Respondents by division, gender and employee type

Division	Male	Female	Unknown	Regular Member	Other Employee Type
A (Ottawa)	6	5	0	8	3
B (Newfoundland & Labrador)	5	3	4	8	4
C (Quebec)	13	5	1	11	8
D (Manitoba)	21	14	0	23	12
E (British Columbia)	123	27	10	124	36
F (Saskatchewan)	63	7	3	54	9
G (Northwest Territories)	18	1	0	19	0
H (Nova Scotia)	27	4	3	28	7
J (New Brunswick)	41	7	4	41	10
K (Alberta)	78	57	10	87	58
L (Prince Edward Island)	5	0	0	5	0
M (Yukon)	0	0	0	0	0
O (Ontario)	71	8	2	73	8
HQ (includes Depot)	47	29	2	41	37
V (Nunavut)	3	0	0	2	1

The RCMP determined in 20 % of files reviewed that the definition of harassment had been met. The file review conducted revealed that in most cases, the RCMP’s harassment policy was adhered to in terms of the appropriate process being applied; however, the manner in which the process could be applied in accordance with policy varied widely. In other words, no matter the process followed, it could be interpreted as complying with policy.

[T]he RCMP’s harassment policy was adhered to in terms of the appropriate process being applied; however, the manner in which the process could be applied in accordance with policy varied widely.

While, as above, there is evidence to suggest that workplace harassment occurs and is reported within the RCMP, the level of such reporting is difficult to ascertain. Another reason for this, as elaborated in a number of interviews, may be the practice of not opening or tracking a harassment complaint that is not made on the prescribed form. It was suggested

that in many cases, alternative dispute resolution is encouraged, often on several occasions, in order to forestall the initiation of a formal harassment complaint. While resolution at the earliest possible opportunity is desirable, such resolutions should not be promoted simply to avoid creating a file—in order to obtain a comprehensive picture of harassment complaints, such instances must generate related files and be formally recorded, notwithstanding the absence of a specific form. The magnitude of the issue cannot be accurately defined in the absence of a systematically compiled and nationally comparable system of data collection and reporting.

Recommendation No. 1

That the RCMP implement a systematically compiled and nationally comparable system of data collection and reporting in respect of workplace conflict.

Table 4: Reported workplace harassment cases in selected Canadian police services, 2011

Police Service	Rate per 100 Police Employees
Police Service A	2.1
Police Service B	1.2
Police Service C	0.67
Police Service D	0.66
Police Service E	0.30
Police Service F	0.19
RCMP	0.11
Police Service G	0.05
Police Service H	0.0
Police Service I	0.0

COMPARISON WITH LIKE ORGANIZATIONS

It is useful to compare the incidence of workplace harassment within the RCMP, as outlined above, with that reported in other Canadian policing organizations, which may be considered those organizations most hierarchically and operationally similar to the RCMP.

In March 2012, the Commission requested workplace harassment data for calendar year 2010 and/or 2011 from 27 police services across Canada. Of the 27 police agencies contacted, only ten² provided either partial or full data.

To facilitate comparison between the RCMP and other Canadian police services, the number of reported harassment cases in 2011 was converted into a rate per 100 police (both sworn and civilian) employees as shown in Table 4 on previous page.

For a variety of definitional and methodological reasons, direct comparisons across the various police jurisdictions cannot be easily made. Among other factors, there appeared to be a high degree of variability in how workplace harassment was recorded and categorized by the different police agencies.

PUBLIC SUBMISSIONS AND INTERVIEWS

As is the case with crime and victimization, one must also consider those cases of workplace harassment that go unreported or unrecorded. While official RCMP harassment statistics, outlined above, do not indicate that there is a problem of epidemic proportions, recent media reports and pending class-action lawsuits suggest that the RCMP may be experiencing a disproportionate amount of workplace harassment issues.

There are a number of reasons why victims of workplace harassment do not report incidents. According to the relevant research literature, the following are the most commonly cited rationales for not reporting.

First, some individuals may be reluctant to define what they are experiencing as harassment due to the perceived stigma attached to such allegations. Some victims of workplace harassment may engage in self-blame whereby they think they are somehow to blame for the abusive behaviour. Some victims may feel that no action would result, that any action pursued would prove futile, or that reporting would provoke a retaliatory response either from the perpetrator, co-workers, or others within the organization.

Partly in order to address potential underreporting of workplace harassment incidents, the Commission issued a call for public submissions in January 2012 in an attempt to elicit feedback from individuals who had not filed formal harassment complaints, and/or who felt they had experiences they wished to share or recommendations for improvements to the manner in which complaints of harassment are addressed by the RCMP. The Commission also conducted interviews with individuals who had self-identified as having information useful to the Commission's investigation, as well as whom the Commission identified on the basis of its review of the public submissions received or following media reports. The Commission also met with other groups and individuals who possessed certain expertise and experience with the RCMP's harassment complaint process. These included RCMP professional standards investigators, managers, Staff Relations Representatives, and public service union representatives.

In total, the Commission conducted 37 interviews and received 63 submissions, including from individuals who had been accused of harassment. In the course of its review, the Commission identified certain consistent themes throughout the submissions and interviews, supported by the file review conducted, which will be outlined throughout this report in greater detail as areas for improvement are identified.

OVERVIEW OF WORKPLACE HARASSMENT

BACKGROUND

Allegations of harassment within the RCMP workplace are not a new phenomenon. In the early- to mid-1990s, the RCMP's internal *Regular Member Survey* found that 60 % of female RCMP members reported being the victim of sexual harassment in the workplace.³ Over a decade ago, Deputy Commissioner G. J. Loeppky, then Chief Human Resources Officer, as the Harassment Prevention Champion, issued a broadcast stating:

The 1999 Public Service Survey revealed alarming statistics relating to workplace harassment in our organization. The disparity between the number of complaints filed and the number of individuals claiming to be harassed was and remains of great concern and as such, in May 1999, Commissioner Murray committed to give workplace harassment an important priority in our organization The cost of harassment goes far beyond the financial costs, such as extended leave, investigations, grievances etc. but more importantly, extends to the emotional cost on its victims. It goes without saying that raising our awareness level of workplace harassment can only lead to more respectful working environments and relationships You may rest assured that the Senior Executive Committee of the Force remains committed towards our goal to provide all employees with a harassment-free workplace.

It takes an incredible amount of courage for people to step up with complaints such as these – to have them continually diminished, deflected and dismissed is an outrage. Further, it promotes an environment where people don't speak up

- RCMP Civilian Member

In a background paper prepared for the Task Force on Governance and Cultural Change in the RCMP, it was asserted that there exists within the RCMP “. . . an ethos that permitted the *authoritarianism* and *intimidation* by a few to over-ride the principles of the many, and a *culture of fear* to prevent any effective challenge by subordinates of abusive behavior by superiors [emphasis in original].”⁴

Workplace harassment . . . affects both women and men, although the level and type of harassment perpetrated against each may be different.

However, it is only in relatively recent times that harassment within the RCMP has attracted widespread public concern. Harassment in the workplace is not unique to the RCMP; it has the potential to affect all public and private sectors and occupational categories, although its effects may be both more prevalent and more visible in some workplace environments than in others. Workplace harassment also affects both women and men, although the level and type of harassment perpetrated against each may be different.

Harassment within the workplace can take many forms, including verbal, physical, psychological and sexual. Harassment can involve an abuse of authority whereby “. . . managers [and supervisors] intimidate, threaten, exploit, control, humiliate, manipulate, ostracize, ignore, fail to communicate, engage in a pattern of obstructive behavior, [and/] or gossip and spread rumors about their employees”⁵

“I felt completely alone and I felt like a failure . . . I could not believe that my RCMP was capable of treating me in such a callous and disrespectful manner when I had always worked so hard to do my duty and to better the organization.”

- RCMP Regular Member

Ultimately, workplace harassment threatens fundamental human rights. There are federal and provincial laws that protect Canadian workers from workplace harassment, including the *Canadian Human Rights Act*, provincial human rights laws, and the *Canada Labour Code*. Employees may also be subject to internal policies, guidelines, and codes of conduct, as is the case with those employed by the RCMP.

Workplace harassment results in adverse effects on individuals, organizations and society as a whole. There is compelling and mounting evidence which demonstrates that negative workplace behaviours are extremely harmful to both employees and their organizations on many different levels.⁶

At the individual level, short- and longer-term psychological suffering, often exhibited through emotions such as anger, cynicism, depression, fear and humiliation, may be experienced by victims of workplace harassment.⁷ These reactions may manifest in a broad range of social and/or psychosomatic conditions, including, but not limited to, “the loss of morale, social isolation and maladjustment, feelings of professional incompetence and powerlessness, psychosomatic illness, extreme and irrational fear of returning to work or performing formerly routine activities, and general job dissatisfaction and reduction in organizational commitment [and engagement].”⁸ In extreme cases, the resulting disintegration in a harassment victim’s personality may in fact undermine

his or her confidence in his or her abilities to such a degree that the individual is reduced to a state of what may be termed involuntary unemployment.⁹

For some victims of workplace harassment, there is “a progression towards physical after-effects such as stress and stress-related disease and illnesses, including musculoskeletal and mental disorders.”¹⁰ In terms of other deleterious health consequences of being a victim of workplace harassment, some traumatized individuals may respond with post-traumatic stress disorder symptoms¹¹ and/or substance abuse problems. Co-workers and witnesses may also feel at heightened risk due to a workplace harassment incident. The Commission notes that the majority of those interviewed and who made public submissions had been off duty for medical reasons for all or part of the time their harassment complaint was being processed.

Victims of harassment may also incur “[o]ppportunity costs associated with reduced employability or loss of promotional prospects.”¹²

The consequential effects of workplace harassment do not end with the immediate victim or complainant. At the organizational level, organizations with abusive and toxic work

“[A]fter more than 20 years of service, I was completely burned out and left on sick leave. My exposure to a poisonous work environment resulted in cumulative and prolonged stress, exacerbated by low supervisor and co-worker support, which directly impacted on my mental and physical health. I was diagnosed with depression and PTSD.”

- RCMP Regular Member

environments often experience higher health costs and medical expenses, higher rates of sick-related absenteeism, replacement costs (e.g. recruitment, training and professional development) in connection with premature staff turnover and retirement, lower employee morale, and reduced productivity¹³ and efficiency. Other costs to the employer may include legal expenses incurred through defending civil liability actions, compensation awards to victims, administrative tribunal and investigative expenses associated with complaints and grievances, and irreparable damage to an organization’s reputation¹⁴ and recruitment efforts.

For an organization such as the RCMP . . . the need to develop such solutions is arguably even more acute.

On a personal level, members of the victims’ support network (e.g. partners, immediate and extended family, friends, colleagues and co-workers) may themselves experience stress, trauma and/or financial expense as a result of a workplace harassment incident. Interpersonal difficulties between the victim and his or her partner—possibly caused by the projection of frustration onto spouses and children—may lead to a diminished family life culminating in family breakdown and dysfunctionality, and possibly even separation or divorce.¹⁵

“My launching a complaint of harassment against a Commissioned Officer of the RCMP has met with devastating results for me and my career in the RCMP.”
- RCMP Regular Member

As demonstrated above, the impetus for developing and implementing effective solutions to workplace harassment issues is high, in both human and service delivery terms. For an organization such as the RCMP, which delivers service directly to a diverse cross-section of the public in often difficult situations, has an extensive geographical presence, has an iconic stature, and is the subject of unrelenting public scrutiny, the need to develop such solutions is arguably even more acute.

POLICIES ADDRESSING WORKPLACE HARASSMENT

In order to formulate its recommendations, the Commission examined the current RCMP policy dealing with workplace harassment and identified, through its research, commonly emphasized desirable characteristics of workplace harassment policies and procedures.

RCMP harassment policy and process

The RCMP’s current policy, entitled *Prevention and Resolution of Harassment in the Workplace*¹⁶ (“harassment policy”), is found in Chapter XII of its *Administration Manual*.

It states at the outset:

The RCMP is committed to providing a safe and respectful work environment, free of discrimination, offensive behavior and harassment.

Everyone has a responsibility to keep harassment and discrimination out of the workplace and the right to be treated with dignity and respect.

The policy applies in spirit to all people employed by the RCMP, which include supervisors, managers, indeterminate, term and casual employees, students, temporary civilian employees as defined by the RCMP Act, municipal employees, custodial services personnel, employees of other departments and persons working or attending courses on the premises of the RCMP.^{16,17} Its definition

of “harassment” is derived from the relevant Treasury Board policy, equally applicable to the RCMP, and provides:

Harassment is an improper conduct that is offensive to and directed intentionally or unintentionally at another person or persons in the workplace and which the individual knew or ought reasonably to have known would cause offence or harm. It comprises objectionable acts, comments or displays that demean, belittle, or cause personal humiliation or embarrassment, and acts of intimidation or threats. It includes harassment within the meaning of the *Canadian Human Rights Act*, i.e. race, national or ethnic origin, color, religion, age, sex, sexual orientation, marital status, family status, disability and conviction for which a pardon has been granted.

The policy, consistent with other RCMP policies, sets out the expectations and responsibilities of relevant parties in a situation where harassment has been alleged. Specifically, it addresses the expectations of employees, managers, Responsible Officers,¹⁸ Human Resources Officers, Harassment Prevention Coordinators, complainants, respondents and investigators.

Pursuant to the policy, employees are entitled to be free of retaliation or retribution as a result of involvement in a harassment investigation, to review their statements to confirm accuracy prior to the submission of a final report, and to be accompanied by a support person during meetings and interviews relating to the resolution or investigation of a harassment complaint. Employees are responsible for respecting others and their individual differences, reporting objectionable behaviour directed at any other person to their supervisors, cooperating if asked to be a witness during a harassment investigation, and respecting and protecting the confidential nature of complaints.

Managers are expected to lead by example and promote respectful behaviour, be sensitive to signs of harassment and to end such

harassment even in the absence of a formal complaint, report harassment as appropriate, monitor situations closely to ensure that parties may continue or resume their assigned duties as possible at the end of an investigation or resolution, ensure that appropriate training is received by employees, handle harassment situations confidentially and ensure same by others, and address the concerns of involved individuals and their units to re-establish respectful working relationships.

Responsible Officers bear the responsibility of making decisions regarding the separation, either physically or hierarchically, of complainants and respondents. Responsible Officers are also to remain impartial, and to determine, in consultation with the Human Resources Officer, when a harassment investigation should be carried out as a Code of Conduct investigation pursuant to Part IV of the RCMP Act. Responsible Officers must also monitor any issuing corrective or disciplinary

“No one benefits in a [prolonged situation of perceived harassment] . . . employee morale is greatly impacted when you see your colleagues not being treated well, the manager or person in question never gets a true reality check on their behaviour and/or to receive the assistance to rectify it, the victims of the unhealthy environment usually suffer in fear, feel alone, bewildered, not supported by colleagues, management and the organization, and complainants are usually labeled as a problem if they choose to fight rather than flight.”
- RCMP Civilian Member

action, and ensure that investigators are appropriately qualified and are not in a conflict of interest. It is the Responsible Officer who is charged with assigning investigators appropriate mandates to carry out harassment investigations.

Human Resources Officers must ensure that criminal matters are referred to the police of local jurisdiction, ensure that the harassment complaint process is followed, and ensure the confidentiality of complainants. Human Resources Officers must also keep parties informed of the progress of the complaint process, ensure that they have access to support and advice, and offer mediation while ensuring that assigned mediators meet appropriate requirements. Human Resources Officers are responsible for ensuring that new employees are given the appropriate training in respect of workplace harassment. Human Resources Officers may delegate complaint manager responsibilities to any other person.

Harassment Prevention Coordinators are to coordinate the written complaint process, including mediation or investigation, on behalf of the Human Resources Officer. They are charged with assisting parties to ensure that mechanisms to resolve potential harassment situations are accessible. They are also to inform the parties of their rights during the complaint resolution and investigation process.

The policy also sets out general expectations and responsibilities of complainants and respondents. These include, on the part of the complainant, the responsibility for making known to an alleged offender, when appropriate and within a reasonable time, that the complainant believes that he or she has been or is being harassed, and the responsibility for immediately seeking assistance.

With respect to the harassment complaint process itself, the policy provides that whenever appropriate and possible, attempts should be made by all parties to informally resolve harassment situations prior to filing a written complaint. This process includes ensuring

[T]he policy provides that whenever appropriate and possible, attempts should be made by all parties to informally resolve harassment situations prior to filing a written complaint.

that the respondent is aware that his or her behaviour is unacceptable to the complainant, intervening where appropriate, arranging for conciliation or mediation, and ensuring that all parties feel safe and comfortable at all stages of the process.

Where informal resolution has not occurred at the outset, the policy provides that harassment complaints must be made in writing to the Human Resources Officer on a prescribed harassment complaint form (Form 3919) within one year of the alleged harassment.¹⁹ The complaint must include the nature of the allegations, the identity of the respondent and the relationship between the parties, the date and a description of the incident(s), and information relating to any witness. The Human Resources Officer must acknowledge each complaint in writing as soon as possible, and will, as soon as a complaint is filed, inform the respondent that a complaint has been received. The Human Resources Officer also provides the respondent with a copy of the complainant's written allegations, and offers him or her the opportunity to respond to those allegations in writing.

Once a written complaint has been received, the screening process carried out by the Human Resources Officer is engaged. The complaint file may be closed at the outset if a complainant fails to provide information necessary to the clarification of an allegation. Should the file not be immediately closed, the Human Resources Officer must review the complaint to establish whether or not the allegations as set out meet the definition of harassment in the policy, and must make inquiries or seek clarification necessary to fully understand the allegation.

Following this screening process, the Human Resources Officer may determine that the complaint does *not* appear to relate to harassment. In such a case, the complaint will be directed to the Responsible Officer for a final decision. If that decision is that the allegation is not related to harassment, the Human Resources Officer will inform the complainant and respondent of such in writing, and redirect the complainant to the appropriate avenue of redress.

If the Human Resources Officer determines that the complaint *does* relate to harassment, he or she will determine whether and what efforts have been made to resolve the issue, identify other avenues of resolution and initiate appropriate action. At this point, mediation will be explored and encouraged where appropriate, and undertaken with the mutual consent of the parties involved.

If mediation was not pursued or unsuccessful, the Human Resources Officer must determine whether or not to initiate a formal harassment investigation. If sufficient information is deemed to exist, the Human Resources Officer may immediately prepare a final decision for referral to the Responsible Officer. If there is a need to establish certain facts surrounding the allegations, the Human Resources Officer will direct that a harassment investigation be conducted.

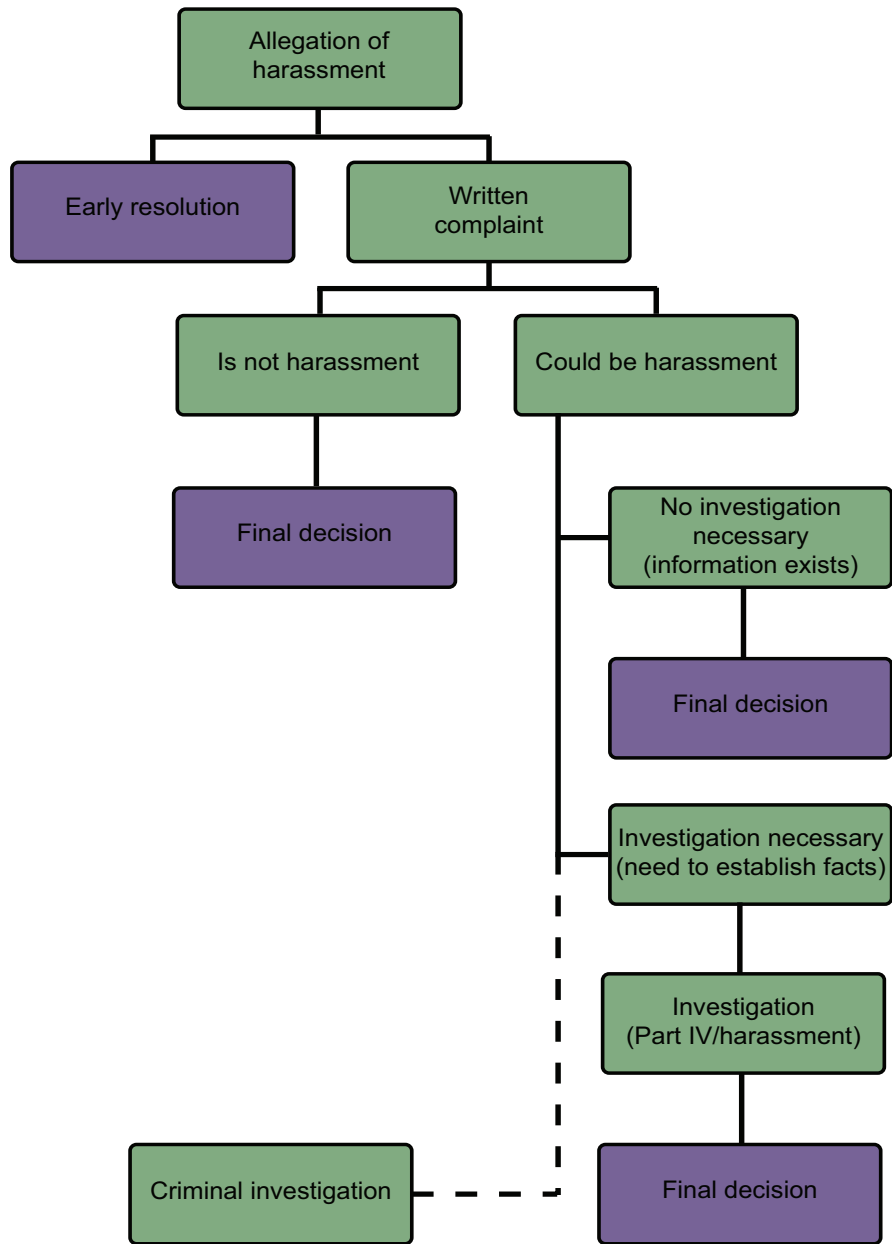
Harassment investigations initiated at this point in the process may take different forms. If the respondent is an RCMP member subject to the Code of Conduct, the Human Resources Officer will inform the Responsible Officer, who will initiate a Code of Conduct investigation pursuant to Part IV of the RCMP Act if deemed necessary. The policy provides that investigative teams will be representative; i.e. if a complainant is a public service employee, the investigative team should also include a public servant. Should an investigation be pursued, the policy provides that parties may verify the accuracy of their own statements prior to the submission of the final investigation report.

Once the investigation report has been submitted, the Responsible Officer will render a final decision in writing, deeming the complaint founded, partially founded, unfounded or unsubstantiated. The Human Resources Officer will then inform the parties, and both the complainant and respondent will receive a copy of the final decision. The Human Resources Officer is responsible for monitoring any corrective or disciplinary measures issuing from that decision, and reporting on their implementation to the Responsible Officer. Any instances of reprisal or retaliation are to be immediately reported to the Responsible Officer.

Apart from the mechanisms provided under the RCMP's harassment policy, employees maintain their right to file a complaint with the Canadian Human Rights Commission. Employees may also initiate a harassment grievance, at which point the process pursuant to the harassment policy, where a formal harassment complaint was filed, will stop and the harassment file closed. Alternatively, a Code of Conduct investigation may be undertaken without a harassment complaint being filed.

The process outlined above may be graphically outlined, in its simplest form, in Figure 1.

Figure 1: RCMP harassment complaint process



Good practice for workplace harassment policies

For the most part, workplace harassment policies and initiatives tend to focus on the legal and investigative or educational process rather than on the specific needs of the victim. It has been stated that “. . . the problem stems from organizations approaching all workplace bully cases as similar in nature and thus requiring the same process The challenge for management is that victims of workplace bullying respond in different ways to processes and policy (both formal

and informal) set by organizations to deal with [workplace harassment and] bullying.”²⁰ Moreover, “. . . differing interpretations of policies, different management styles, experience and differences in training can result in varying applications of a workplace bully policy”²¹

Many organizations already have excellent written anti-harassment policies in place. This notwithstanding, employment and human rights tribunals have often commented that some organizations fail to take the necessary steps to ensure that these policies are

effectively translated into practice. Dealing with workplace harassment requires much more than policy statements and agreed upon procedures.²² In addition, individual explanatory models of workplace harassment erroneously shift the focus of analysis away from the organizational causes and correlates of workplace harassment towards the employer's written policies and procedures.²³

Dealing with workplace harassment requires much more than policy statements and agreed upon procedures.

Notwithstanding the difficulties with elaborating comprehensive, easily monitored and consistently implemented workplace harassment policies, the Commission, through its file review, public submissions and interviews, has identified several areas of improvement within the RCMP's harassment policy structure. In formulating its recommendations, the Commission also relied on guidelines and good practices described in the relevant literature.

Ideally, “[a] written policy should be developed jointly by managers in full consultation with staff . . . and . . . [must] apply to all grades and levels of employees Consultation must be genuine and transparent, and must include the views of a wide range of staff.”²⁴ Furthermore, involving employees at all levels within the organization in the policy development process “. . . leads to the shared ownership of the problem and its resolution, and develops trust and confidence between staff and managers.”²⁵

Some researchers and practitioners in this area warn that, in some cases, law enforcement agencies' written “policies may be legally adequate, but they are frequently not comprehensive enough to give guidance to employees on what is expected of their behavior in the workplace. In addition, most policies fail to recognize that harassment is frequently very subtle.”²⁶

Some academics point to the need to ensure that policies be more than statements of intent; they must be “incorporated into the ethos of all work units and valued and supported by . . . all employees in all ranks.”²⁷ Workplace harassment policies must apply to everyone working in the organization, including civilian and sworn members of the police service, contractors, volunteers and students.

Beyond having a policy which is applicable to all members of a police organization, it is important that workplace harassment policies clearly and explicitly define all terms within them. For example, one police service's workplace harassment policy not only defines discrimination and harassment, as all policies should, but also the terms “complaint”, “complainant”, “reasonable person standard”, and “respondent”. That policy also includes concrete and detailed examples of behaviour which would constitute workplace harassment, as well as examples of behaviour which would not constitute harassment.

It is also imperative that workplace harassment policies clearly delineate the responsibilities of employees, supervisors and senior management. This ensures that all individuals to whom the policy applies will know not only what is expected of them, but also what is expected of their superiors. For example, not only does one police agency's respectful workplace conduct policy outline the responsibilities of all employees and volunteers of the police service, such as treating “every person with dignity and respect” and cooperating with a workplace harassment investigation, but the policy also ascribes additional responsibilities to executive officers, supervisors, union and association executive officers. The additional responsibilities of the latter group include:

- intervening as soon as possible when they witness disrespectful behaviour;
- “taking all complaints of disrespectful behaviour seriously”;

- “referring employees or volunteers to Respectful Workplace Advisors for assistance in resolving disputes”;
- “taking all necessary actions and measures to put an end to discrimination and harassment as soon as [they] become aware of it, whether or not a complaint has been made”; and
- “doing whatever is necessary to restore positive working relationships during and following a complaint.”

The policies of many Canadian police forces also provide that employees are responsible for challenging or reporting any inappropriate behaviour they witness.

It is also a good practice for policies to have clearly stated timelines. This is not only in reference to having a timeline for filing a formal complaint and for the formal investigation, but also for the completion of early resolution or informal processes for resolving workplace harassment issues. While all of the examined Canadian police service policies included, encouraged and even necessitated the attempted use of informal measures to resolve harassment complaints, not all of the police organizations included stringent timelines for these processes to begin and end. One police service’s workplace harassment policy, for example, explicitly states that all alternate resolution procedures must begin within three days of the harassment advisor receiving the complaint and conclude within two weeks. The inclusion of these timelines is important, as complainants who are not happy with the outcome of alternate resolution processes will not be barred from filing a formal workplace harassment complaint because the timeframe for doing so expired before the alternate resolution process was completed.

It could also be considered a good practice to include clear steps of any alternate resolution processes in a workplace harassment policy. The most robust and thorough policies examined dedicated multiple pages of not only the steps of alternate resolution processes,

but also provided tips for employees if they decide to have a face-to-face conversation with their alleged harasser. One police service policy also includes tips for people who are approached about their alleged workplace harassment of another employee. The inclusion of such steps and tips can only serve to ensure that all employees are able to comprehend not only what the informal resolution process may look like, but can prepare themselves for what is to come.

Many of the policies, procedures and training materials reviewed, including those of the RCMP, did not make specific mention of the steps that should be taken in the workplace after a harassment complaint has been filed other than basic administrative processes. If mention was made about what should happen between a complainant and a respondent, it was often vague. For instance, in *Restoring the Workplace Following a Harassment Complaint: A Manager’s Guide*, the Treasury Board Secretariat of Canada (2009) suggests that after the complainant and respondent “. . . have been advised of the outcome of the formal resolution process,” managers should “. . . help the parties re-integrate properly – whether or not they have been away on leave.” The manner in which effective reintegration may be achieved is left to individual managers, who could benefit from further guidance.

The inclusion of . . . steps and tips [for dealing with harassment] can only serve to ensure that all employees are able to comprehend not only what the informal resolution process may look like, but can prepare themselves for what is to come.

Separation, another step that may be taken after a complaint has been filed, is adequately described in the *Harassment Prevention and Resolution Guidelines* document of the Staff of the Non-Public Funds of the Canadian Forces. The policy notes that it is the responsibility of Responsible Officers to "...[determine] whether the Complainant and Respondent should be physically and/or hierarchically separated from each other for the period of the resolution" and goes on to state that Responsible Officers must also "decide whether the Complainant and Respondent should be separated during the complaint resolution process, based on what is both practical, and in the best interests of both parties. Care should be taken to avoid any perception that such action constitutes retaliation or premature judgment of the case." The explicit requirement that the complainant and respondent be separated if it is practical and in the best interest of both parties could certainly be seen as a good practice, as it takes into account not only the operational requirements of the workplace but also places equal importance on the well-being of both the complainant and respondent.

In terms of police organizations, very few policies or training materials that were examined for this study made mention of practices that should be put in place after a harassment complaint has been filed. One Canadian police service's policy states that it is the responsibility of workplace leaders

to ". . . [do] whatever is necessary to restore positive working relationships during and following a complaint." This statement does not suggest what concrete steps supervisors and managers should take in order to "restore positive working relationships."

Another police service's policy is more specific. A part of the "alternative resolution" process, which supervisors and harassment advisors are encouraged to use to facilitate harassment complaints, notes that one option is "changing work responsibilities to minimize contact between the Complainant and Respondent." This option is reiterated twice in the accompanying supervisor training guide relating to the policy. Beyond being mentioned as an option of alternative dispute resolution for harassment complaints, the supervisor training also outlines the process to be followed to settle or mediate the complaint. Namely, the training materials state that the first part of the process is ". . . ensuring the safety of the workplace for the Complainant by providing a relocation for either the Complainant or the alleged harasser if required." While this statement is certainly more direct than some, it is still not as unequivocal as that of the Staff of the Non-Public Funds of the Canadian Forces as mentioned above, nor does it focus on the well-being of both the complainant and the respondent, as it only mentions the complainant's safety.

I am of the belief that organizations can be judged by a number of standards, one of which is the way it treats its employees. If the RCMP is to fix its problems it must start with a commitment, from the top down, to eradicate malfeasance at any and all levels, commissioned and non-commissioned alike. Justice must be timely and, as importantly, must be seen to be done . . . Perception is reality and when the membership looks from the outside in they must see a system that is transparent, free from bias and, most importantly, demonstrates the ethics and integrity that are legendary of this organization.

- RCMP Regular Member

Finally, the manner in which the confidentiality of the complainant and respondent is guaranteed should be explicitly stated in any internal harassment policies. It is not enough to simply state that the confidentiality of all parties will be maintained without clearly stating how that will come to pass. Many policies examined placed the onus on all of the involved employees not to discuss the alleged workplace harassment with anyone except the investigator and not to seek guidance from anyone except those people designated to help deal with harassment in the organization. One police service also goes one step further by stating that “any breach of the requirement for confidentiality may constitute a breach of this Policy.” Providing employees with not only the guarantee of confidentiality but also explicitly stating how confidentiality will be guaranteed can only serve to strengthen both the complainant’s and respondent’s confidence in the resolution process.

In sum, the literature suggests that effective workplace harassment policies should:

- be developed in partnership by management, supervisor and employees;
- apply to everyone in the organization;
- include clear definitions of workplace harassment with concrete examples;
- state the consequences of such behaviour;
- provide a clear process;
- provide clear steps on how to make a complaint; and
- strongly encourage employees to report all workplace harassment incidents.

In light of these general principles, the Commission has identified specific areas of RCMP policy and procedure that require improvement as steps are taken to address the manner in which the RCMP deals with issues of workplace harassment.

AREAS REQUIRING IMPROVEMENT

INDEPENDENCE OF THE PROCESS

Many of the public submissions received and the interviews conducted by the Commission highlighted the desire for the treatment of harassment complaints to be done in an independent manner. Recommendations ranged from having the complaints dealt with by an external body, to having the process be independent of the chain of command.

When the Commission examined the substance of the complaints, submissions and interviews calling for more independence, the basis for the recommendation appeared to relate to several factors: individuals were unhappy with the manner in which the investigation report and investigative materials were presented to the final decision-maker, in most cases the Responsible Officer; individuals felt that appropriate investigative steps were not taken; individuals were concerned that the final decision-maker either insufficiently relied on the investigative materials or relied too heavily on those materials; and individuals were concerned that the final decision-maker displayed bias or a conflict of interest in that he or she was “protecting their own.”

Essentially, the Commission considers that concerns about the independence of the harassment complaint process may best be described as concerns about transparency and consistency. As has been noted,

“The harassment process is broken. I had no feedback on the investigations. I just found out that they dismissed my allegations on the final report. The reasons for the final dispositions are spurious.”
- RCMP Regular Member

[T]he implementation of certain standards short of instituting an external process may address issues relating to the independence of the harassment complaint process.

consistency with respect to screening and final decisions was found to be either difficult to discern or lacking in certain cases during the Commission’s file review.

It would undoubtedly address certain perceptual issues to use external investigators in such cases. For example, one Canadian police service has a roster of external investigators mutually approved by employee representatives and senior management in place. Both complainants and respondents are provided the opportunity to verify that there is not any conflict of interest between themselves and the chosen investigator. However, this practice is not widespread, and even when it is in place investigations continue to be remitted to an organizational decision-maker given the need for an organization to be able to direct its administration and thereby discharge its obligation as employer—although perceptually desirable in its simplest form, such a practice would not address all of the concerns raised with respect to the independence of the process. Accordingly, the Commission considers that the implementation of certain standards short of instituting an external process may address issues relating to the independence of the harassment complaint process, and allow complainants, respondents and the organization itself to be more confident in fair and impartial investigations into all formal workplace conflict or harassment complaints.

First, centralized monitoring and coordination of all decisions in respect of harassment would ensure consistency in the application of factors used to determine whether workplace conflict is present or harassment has occurred, whether and how separation of the parties

should be implemented, and any remedial or disciplinary action that is merited. In order to address the perception of conflict of interest within divisional command, such centralized monitoring and coordination should be located at RCMP national headquarters. Those responsible should report directly to a senior executive outside the divisional chain of command structures, such as the RCMP’s Professional Integrity Officer.²⁸ This would allow dissemination of harassment-related data as appropriate in respect of other human resources processes, such as promotions, as well as expertise and consistency being developed. The centralized monitoring and coordination function, outside the chain of command, should also be responsible for receiving complaints of retaliation, the procedure for which should be clearly delineated in the applicable policy.

Recommendation No. 2

That the RCMP institute centralized monitoring and coordination of the harassment complaint process, located at RCMP headquarters and reported directly to a senior executive outside the divisional chains of command.

Recommendation No. 3

That the centralized coordination function also be responsible for receiving complaints of retaliation, the procedure for which should be clearly delineated in the applicable policy.

Second, clearly defined investigative standards, supported by appropriate training for harassment investigators, would address perceived deficiencies in the body of information available to assist decision-makers, as would greater complainant and respondent input into the materials that are put forward. Such

input would ensure that information before a decision-maker is comprehensive and neutrally presented. Recommendations in this respect are laid out below.

Finally, the availability of an external mechanism for review of harassment decisions would ensure that employees are able to have concerns relating to the process addressed by an impartial third party, where necessary, without having to access the time-consuming grievance process.

An individual may in theory grieve any decision made in the course of his or her harassment complaint being dealt with by the Force. Grievances of this nature are referred to the RCMP External Review Committee, at the option of a grievor, when he or she is dissatisfied with the initial decision of an RCMP grievance adjudicator. Pursuant to the RCMP Act and its Regulations, the External Review Committee is charged with reviewing grievances relating to the interpretation and application of government-wide policies that apply to members of the RCMP. These include the current RCMP harassment policy, which is by requirement derived from the Treasury Board policy, notwithstanding the existence of the Code of Conduct investigation procedure and related sanctions to which other public service employees are not subject. The consideration of such a grievance may prove lengthy. Also, grievances may be lodged at any point, thus having the potential of forestalling the completion of the harassment complaint and investigation process, and causing further delays.

“My overall belief at this time is that the managers in the force have little accountability to their subordinates which is carried on up the line to the very top . . . meaning from a corporal right up to the Commissioner.”

- RCMP Regular Member

Being an employment matter, the final decision in respect of any grievance, including those referred to the External Review Committee, rests with the RCMP Commissioner. The Commissioner must provide reasons for disagreeing with any of the External Review Committee’s recommendations in respect of a grievance.

An external mechanism for review of harassment decisions pursuant to an RCMP-specific, streamlined harassment policy, is a possibility afforded by Bill C-42. This possibility could avoid the necessity of individuals filing a harassment complaint pursuant to policy, being dissatisfied with a decision made in the course of the treatment of such a complaint, subsequently filing a grievance, and awaiting disposition of that grievance by an adjudicator prior to being able to access the external review mechanism. In addition, it would provide an outlet for those dissatisfied with the treatment of their harassment complaints separate from, but not excluding, the RCMP’s labour relations process.

Recommendation No. 4

That an external mechanism for review of harassment decisions be implemented.

The Commission considers that these recommendations, coupled with those set out below, would address in large part the concerns expressed in relation to the independence of the harassment complaint process without going so far as to require administration of the process by an independent body.

THE DEFINITION OF HARASSMENT

The definition of harassment as contained in the RCMP’s policy is crucial to the treatment of each harassment complaint made, as it represents the threshold above which further steps in the process may be taken. It mirrors that of the Treasury Board policy relating to the

prevention of harassment and the treatment of harassment complaints. As outlined above, formal complaints are screened at first instance to determine whether the behaviour complained of is capable of constituting harassment; if it is not, complaint files will be closed and complainants may be directed to another avenue of redress. If the definition of harassment is met or could be met if the allegations were found to be substantiated, either a Code of Conduct or harassment investigation must issue if further facts need to be established.

Many of those who made submissions and were interviewed identified the difficulty of harassment complaints being screened in at first instance. In addition, the Commission's file review revealed that the application of the definitional standard was, at best, inconsistent among RCMP divisions, individual Human Resources Officers and Responsible Officers. While no examples of blatant disregard for the definitional threshold existed, it is nonetheless trite to say that the definition is capable of a wide range of reasonable interpretations, while at the same time appearing to exclude others. For example, in determining that certain behaviour does not

constitute harassment within the meaning of the policy, RCMP decision-makers were found to, in most cases, acknowledge that "workplace conflict" did exist. The suggestion is that workplace conflict is a precursor or contributor to a harassment situation, but the policy nonetheless precludes the relatively rigorous investigation and assessment that is afforded to complaints once they meet the definitional threshold of "harassment". This approach appears not to give sufficient consideration to the idea that workplace conflict, appropriately addressed, may diminish the later incidence of harassment, and is in itself important enough to address.

[W]orkplace conflict is a precursor or contributor to a harassment situation

Equally, the policy employs inconsistent language that could be confusing to both employees and managers/supervisors. For example, the governing statements at the outset of the policy use varying references to the same issue, while an early paragraph refers to "discrimination, offensive behavior and harassment", suggesting that these are three mutually exclusive issues, the definition of "harassment" contained in the policy encompasses both "discrimination" and "offensive behavior". A subsequent paragraph refers only to "harassment and discrimination", not "offensive behavior", while later statements refer only to "harassment". In reference to the responsibilities of every RCMP employee, the policy states that they must ". . . report behavior that offends, harms, humiliates, or degrades anyone including himself/herself to his/her supervisor/manager" This does not, however, include other results from the behaviour, listed in the policy's definition of harassment, such as demeans, belittles, embarrasses, intimidates or threatens.

I think harassment can exist and in fact is rampant in the RCMP but is often not viewed as such. I think that if a supervisor and a subordinate have a disagreement and then the supervisor then begins to exercise his power unfairly over that member then there is bullying and harassment . . . I believe that improper use of power over a subordinate over a long period of time constitutes harassment as opposed to workplace conflict.

- RCMP Regular Member

“They told me that to be classified as harassment, it has to have a very high tolerance. They advised me to instead settle this informally . . . They were discouraging me from making a formal harassment complaint.”

- Public Service Employee

The ambiguity and lack of consistency outlined above contribute to difficulty in applying the definition of harassment which, as noted above, is the threshold for application of the action items of the policy.

A coherent and sufficiently broad definition of the conduct being addressed by a harassment policy is not easily elaborated. Workplace harassment, in all of its manifestations, is a broad topic. There remains no consensus in the literature with respect to the definition of workplace harassment, although, as above, workplace policies will generally set out a working definition for the application of the policy or procedure used to address harassment.

[A]ny definition of harassment used in practice as a threshold question for the application of a policy designed to foster a respectful workplace must aim towards inclusivity.

The concept of workplace harassment continues to evolve and expand, and now encompasses conduct such as bullying, mobbing, psychological harassment and violence in the workplace.²⁹ Despite decades of research, workplace harassment is still, in some respects, poorly understood. The existing literature clearly highlights the nebulous and problematic nature of the concept of harassment. Because the variety of behaviours and actions that may be covered under the general rubric of “workplace

harassment” is so broad, the limits of acceptable behaviours is often so ambiguous, and the perception in different contexts and cultures of what constitutes harassment is so varied, the phenomenon is challenging to both describe and define.³⁰

Clearly defining workplace harassment is challenging because if the chosen parameters are too narrow, there is a risk of over-concentrating on what are essentially the sensational and overt forms of workplace harassment. What has clearly emerged through the Commission’s review is that any definition of harassment used in practice as a threshold question for the application of a policy designed to foster a respectful workplace must aim towards inclusivity. If only those behaviours deemed most egregious are capable of meeting the threshold for application, equally important precursors to harassment, such as workplace conflict, are ignored. Workplace conflict, as has been noted throughout the review, may also have devastating impacts on those involved, despite not meeting the definitional threshold of harassment in the policy.

Recommendation No. 5

That the RCMP’s policy regarding fostering a respectful workplace be defined as equally applicable to precursors of harassment, such as workplace conflict, in order that its dispute resolution mechanisms may be accessed at an early stage.

REQUIRED STANDARDS FOR HARASSMENT INVESTIGATIONS

One recurring theme that became apparent during the review of the submissions to the Commission and its interviews, as well as the review of harassment policies of different Canadian police services, was the need for specially trained harassment investigators to undertake workplace harassment investigations.

“I was repeatedly discouraged from filing a complaint, I was repeatedly warned of the supremely high threshold . . . the complaint needs to pass in order to meet Treasury Board’s definition of harassment.”

- RCMP Civilian Member

The need for robust harassment investigations is clearly illustrated in a case involving the Toronto Police Service. In 2007, a female constable filed a complaint against one of her male supervisors, citing a total of nine instances of sexual harassment. In response, the accused supervisor filed four complaints about the complainant, alleging insubordination, among other things. The constable’s complaints were investigated by an internal investigator who had never investigated an internal workplace harassment complaint before, nor received workplace harassment investigation training. The investigator did not make a finding of harassment, alleging that since there was no independent evidence to support the complainant’s claims, they could not be supported. Because her allegations of sexual harassment were not supported, the complainant was terminated on the belief that her allegations were fabrications and indicative of attitude and conduct issues.

The complainant took her case to the Ontario Human Rights Tribunal. The Tribunal found that not only had she been sexually harassed, but that the investigation into her complaints was flawed in that it did not take into account past accusations of sexual harassment against the complainant’s supervisor, and had disregarded witnesses in the situation. The Tribunal awarded the complainant \$12,000 for injury to her feelings, self-respect and dignity and a further \$8,000 for the flawed investigation. Further, the Toronto Police Service was ordered to hire a human rights consultant to train its internal investigators on how to properly investigate workplace harassment complaints.³¹

The cost of an inadequate workplace harassment investigation can be high to police services, and the need to have properly trained investigators is clear. Harassment investigators should be acutely aware of the fact that the majority of perpetrators attempt to displace the blame onto the victim. After an incident has been alleged, the immediate reactions from the police leadership “. . . will set the tone for the agency and will determine whether the organization will be able to appropriately deal with the allegations and provide a fair and just outcome. The most crucial step, therefore, is to assign a competent investigator and conduct a thorough and unbiased investigation in a timely manner while protecting the complainant from retaliation.”³²

As per the Treasury Board’s *Investigation Guide for the Policy on the Prevention and Resolution of Harassment in the Workplace*,³³ “Harassment investigations require that investigators not only have the knowledge and the research, planning, interviewing and analytical skills, they must also be sensitive to the emotional issues and the impact that an alleged harassment situation has on individuals and on the workplace as a whole.”

It should be noted that currently, as police officers, RCMP members are deemed to meet the competency profile for investigators required by the Treasury Board policy. However, the Commission identified through its file review, review of public submissions and interviews, as well as discussion with RCMP managers, investigators and Staff Relations Representatives, that RCMP members tasked with investigating issues of harassment would greatly benefit from the five-day course offered to public service harassment investigators. While RCMP members may possess expert investigative skills, issues of workplace harassment engage specific

Harassment investigators should be acutely aware of the fact that the majority of perpetrators attempt to displace the blame onto the victim.

concerns and sensitivities, outlined above, that are not similarly engaged by routine criminal, or even professional standards, investigations. Accordingly, the Commission recommends that harassment investigators receive mandatory specialized training in respect of conducting investigations into workplace conflict and/or harassment prior to being tasked with such investigations. What is required is a shift in focus from investigating and punishing perceived harassers to the early resolution of workplace conflict and a more holistic approach to restoring healthy relationships.

Recommendation No. 6

That harassment investigators receive mandatory specialized training in respect of conducting investigations into workplace conflict and/or harassment prior to being tasked with such investigations.

In addition to required training, clearly defined investigative standards specifically in respect of harassment investigations ought to be developed in order to address perceived deficiencies in the body of information available to assist decision-makers, identified in the public submissions received and interviews conducted by the Commission. Such standards ought to include a requirement for audio- or videotaped interviews, as well

“The RCMP write[s] reports with a predetermined outcome, and then gather[s] the information they want to hear. If the RCMP would write reports knowing that they will be read by the complain[ant], I am certain the reports will be written with more accuracy and transparency.”

- RCMP Regular Member

as the ability of both complainants and respondents to provide input in respect of the investigative report being presented to the final decision-maker.

This would echo the process available to RCMP members in respect of internal discipline, and would ensure that information before a decision-maker is comprehensive and neutrally presented.

Recommendation No. 7

That the RCMP develop clearly defined investigative standards specifically in respect of investigations into harassment and workplace conflict.

Additionally, every effort should be made to complete an investigation in a timely manner. A protracted process can cause difficulties and challenges. For example, as time passes, people’s memories of the event may fade, thus potentially affecting the reliability of the evidence gathered. Another concern is the ongoing and deleterious health effects of stress and anxiety experienced by all of those involved in a given investigation.³⁴ A repeated theme throughout the interviews and submissions, as well as often identified throughout the file review, was the often lengthy investigative process for harassment complaints, during which both complainants and respondents are left awaiting a decision and may be enduring separation from their normal work units.

Lengthy delays in the resolution of harassment complaints may be partly attributable to the multiplicity of processes that may be brought to bear on such issues, including grievances at various stages of the process. Amendments to the RCMP Act, contemplated by the current Bill C-42, provide for the ability of RCMP management to adopt and implement its own structure for dealing with harassment complaints. Should the bill become law, the RCMP will be provided with some ability to

“... this whole process is engineered to exhaust the victim and prevent them from going straight to legal counsel rather than solving the problem.”

- RCMP Regular Member

streamline the operation of any processes which may be engaged in order that the timely resolution of an issue can occur.

In light of the foregoing, the Commission recommends that the RCMP implement and publicly report on timelines for the treatment of harassment complaints, including for efforts at early resolution. Compliance with such timelines should be centrally monitored on a continuous basis in order to ensure that potential problems are identified at an early stage.

Recommendation No. 8

That the RCMP implement timelines for the treatment of harassment complaints, including for efforts at early resolution.

Amendments to the RCMP Act . . . provide for the ability of RCMP management to adopt and implement its own structure for dealing with harassment complaints.

TRAINING AND PREVENTION

Background

Policy awareness and the promotion of appropriate values can be seen as the strongest available measures of harassment prevention.

As previously noted, many organizations already have well-written workplace anti-harassment policies in place. Nonetheless, courts and employment tribunals have often commented that organizations fail to take the necessary steps to ensure that these policies are effectively publicized, enforced, and translated into practice. Key among these is the requirement for policies and procedures to be regularly promoted. The net benefits of active promotion include:

- increased awareness of the individual responsibilities of all employees;
- familiarity and understanding of acceptable behaviour in the workplace; and
- recognition of continued commitment by senior management.³⁵

Key to effective promotion is training. In that respect, the success of any anti-harassment strategy greatly depends on a planned and systematic education/awareness and training program supported by an adequate budget.³⁶ While some observers argue that to prevent, manage and control incidents of workplace harassment within law enforcement organizations, the police culture must first fundamentally change, a positive initial step is to effectively educate all members of a police organization about the damage and effects that workplace harassment causes to both individuals, to the police agency in question, and to the police professional writ large. These education and awareness activities must then be closely followed up by well-written policies and procedures that are consistently and strictly enforced across the organization.³⁷

The Calgary Police Service found that it was important for managers and supervisors to go through the anti-harassment training before their employees.³⁸ This was intended to alleviate a common complaint made by staff members that supervisors were not also taking the training. Training management first would signal early on that the management team is committed to realizing a respectful workplace. In addition, supervisors and managers would receive the training first so as to ensure that they “walk the talk” and lead the way for subordinates as the organization moves forward. Finally, managers and supervisors would be in a better position to answer any questions about the policy and processes when staff members returned from the training.

In terms of the training curriculum itself and how it is delivered, it is recommended “. . . that the training, for both supervisors/managers and employees be delivered in person versus via e-learning since the strength of the program will be in attendees having meaningful dialogue on the why, what and how of creating and fostering a culture of respect . . . that cannot be created in an e-learning format.”³⁹ It has been suggested that core elements of an effective training program should include those illustrated in Figure 2.⁴⁰

[M]anagers play a vital role in terms of implementing an organization’s workplace anti-harassment strategy.

Figure 2: Core elements of an effective training program

<p>Knowledge</p>	<p>Explain the theories and definitions of workplace harassment and bullying.</p> <p>Demonstrate the effects of harassment.</p> <p>Clearly spell out the organization’s policy and procedures.</p> <p>Describe what is reasonable and unreasonable behaviour within the workplace.</p>
<p>Skills</p>	<p>How to recognize harassment.</p> <p>How to defuse and avoid potential conflict.</p> <p>How to provide support to both complainant and perpetrator.</p>
<p>Personal</p>	<p>Awareness of organizational and social attitudes towards different types of behaviour.</p> <p>Awareness of one’s own behaviour and actions.</p>

In terms of prevention, it should again be emphasized that managers play a vital role in terms of implementing an organization's workplace anti-harassment strategy.⁴¹ More specifically, managers need to clearly understand:

- the detrimental effects on the organization of failing to effectively resolve harassment;
- their legal obligations as the “employer’s representatives” under health and safety and other legislation; and
- the importance of setting standards of appropriate behaviour within the workplace.

Furthermore, in order to effectively carry out the aforementioned responsibilities, managers need conflict resolution training, and general management training in coaching, mentoring, delegation and performance reviews and appraisals. The value of these skills for managers cannot be understated, as some research studies investigating workplace harassment have found that managers frequently perpetrate or exacerbate harassment incidents.

“It bothered me to the core that the people who were preaching anti-harassment policies and behaviours were the same people who completely ignored those policies and behaviours.”

- Regular RCMP Member

An organization's leadership is pivotal to any effective anti-workplace harassment policy. In particular, managers must take a lead role in reminding staff members (e.g. at meetings and in newsletters) that harassment in the workplace is against policy and the law, and will not be tolerated under any circumstances.⁴²

Not only must senior management demonstrate its commitment to eliminating all forms of harassment within the workplace, it must also gain the acceptance of the policy by all staff members. As stated earlier, one way to achieve this is through input and consultation with employees at all levels.⁴³

Current RCMP training

Currently, all regular members of the RCMP are required to complete the Cadet Training Program upon entering the RCMP. According to information provided to the Commission, the Cadet Training Program is a 24-week basic training program which “. . . is founded on an integrated, problem-based learning methodology.”

At the outset, cadets are provided with the RCMP Cadet Training Handbook, which outlines the Program and its objectives, provides cadets with additional information to facilitate their stay at Depot, and lists the Commitment to the Employees of the RCMP, among other items. That commitment includes “[t]reating all employees with equal respect and consideration” as well as “[e]nsuring a safe and harassment[-]free work environment.”

Included in the handbook are the RCMP's mission and vision. Of note, the vision includes “ensur[ing] a healthy work environment that encourages team building, open communication and mutual respect.”

The handbook also lists the RCMP's values: integrity, honesty, professionalism, compassion, respect and accountability. The mission, vision and values are continuously reviewed in the classroom sessions through scenario-based training and discussions. Finally, the handbook notes the basis on which a cadet can be terminated, including various kinds of misconduct, of which harassment is one.

On the first day of training, the Commanding Officer of Depot addresses the cadets, emphasizing the mission, vision and values, as well as expectations of the cadets,

including inappropriate behaviour, such as harassment. As part of the classroom training, cadets are required to complete the Online Harassment Test with a passing mark of 70 %. In addition, multiple sessions throughout the training touch upon harassment prevention and awareness. Respectful workplace issues, including harassment, clearly form part of the Cadet Training Program.

Once cadets complete their training and are assigned to a post, they, as new members, are required to complete the Field Coaching Program. Throughout the field coaching period, members are expected to meet the competencies expressed in the RCMP's core values. They are given information regarding the Employee Assistance Program and the Staff Relations Representative Program in order to educate them in respect of assistance available to RCMP employees for personal, social, health and work-related issues. In addition, Field Coaches must successfully complete a Field Coach Course prior to receiving a new member. The Field Coach Course contains an Ethical Messaging session which addresses harassment in the workplace and includes scenario-based learning.

Once induction programs are completed, additional harassment training opportunities are to be provided. According to the RCMP's current harassment policy:

Management will provide all employees with learning opportunities relating to harassment in the workplace. New employees, supervisors and managers must attend harassment awareness sessions as early as practicable after their appointment.

The policy goes on to note that every RCMP employee can “. . . expect . . . to receive information and learning opportunities relating to harassment awareness prevention and resolution . . .” Furthermore, supervisors and managers are responsible for ensuring that “. . . training/information related to a respectful workplace is received by all employees,” and “. . . when assuming a managerial role,

request harassment awareness training for employees if not already provided . . .” The Commission was not provided with information related to such awareness training or learning opportunities, nor was information available regarding the extent to which, if any, supervisors and managers incorporate harassment awareness or prevention into regular staff meetings.

The Commission, however, was provided with training material regarding the Supervisor Development Program, the Manager Development Program, and the Officer Orientation Development Course. All three of these programs contain workplace relations and/or a harassment module as part of the classroom component.

The training materials reinforce both Treasury Board and RCMP policies on harassment. The messaging to supervisors, managers and officers is clear: harassment will not be tolerated; immediate action must be taken to investigate alleged incidents of harassment; and harassment is preventable.

In terms of the Supervisor Development Program, launched in 2009, its stated purpose is to “. . . develop the knowledge, skills and competencies of all three categories of employees (RM, CM, PS) working in a supervisory role within the RCMP.” It is a 12-month national program which includes 10 days of classroom-based training. The remainder of the training occurs in the participants' home units, with divisional support and monitoring. The 10-day classroom component includes a 5-hour module on Ethics, a 4-hour module on Managing and Documenting Performance, and a 3-hour module on a Respectful Workplace. In these sessions, participants:

- review RCMP and Treasury Board policies on harassment;
- discuss elements of a respectful workplace, including what may or may not constitute harassment; and

- engage in role-plays of harassment-related scenarios.

The focus is on the role and responsibilities of the Supervisor, including:

- leading by example;
- being aware of ongoing relations in the work unit;
- maintaining open communication;
- harassment prevention; and
- taking action when necessary, whether that be through early resolution or the formal complaint process.

Participants must also return to their workplaces and deliver a respectful workplace activity.

Similarly, the Manager Development Program, also launched in 2009, is designed to develop the skill, knowledge and competencies of all three categories of employees working in a management role. According to the Program Training Standard, the target audience for the Manager Development Program is “. . . employees working or preparing to work for the first time as managers, or persons specifically identified for developmental reasons.” The program duration and design mirror that of the Supervisor Development Program, including a 10-day classroom phase. There are:

- a 5-hour module regarding the motivational value system, including how to deal with workplace conflict and harassment;
- a 6-hour module regarding ethics for managers;
- a 4-hour module on building a healthy workplace; and
- a 1-hour module specifically focused on harassment.

The teaching methods employed include lectures, seminars and scenario-based training. At the end of the classroom phase,

participants are expected to develop a Performance Improvement Plan for their home units, which will be evaluated by their supervisors and course facilitators. The intent is for participants to demonstrate that they have retained, transferred and successfully applied the classroom learning.

In the Harassment Module, the facilitator presents a deck which outlines the manager’s responsibilities, including how to prevent harassment, and how to deal with an incident should one occur. Emphasis is placed on early resolution. The deck concludes with a slide on the effects of failing to act in a harassment situation and a stern statement that “[i]t is simply not acceptable behaviour from a manager and leader in the RCMP to let these situations continue once you become aware of [them].”

Finally, the Officer Orientation Development Course, redesigned in 2011, contains a 200-minute module which includes presentations regarding “Mental Health in the Workplace” and “Respectful Workplace”, both of which contain elements of dealing with harassment. In addition to deck presentations and scenario-based training, participants are provided with numerous handouts, including relevant policies, procedures and responsibilities. The training provides an overview of harassment policies, what constitutes harassment (including examples), and what the responsibilities of the officer are. Unlike the Supervisor and Manager Development Programs, which address harassment prevention, the Officer Orientation Development Course focuses more on identifying harassing behaviour and the process for dealing with such behaviour. The clear message to participants is that it is their responsibility to address alleged incidents of harassment. All newly commissioned officers are expected to complete the Officer Orientation Development Course.

It is apparent that harassment prevention and awareness are part of the cadet training for regular members as well as part of the formal

training for supervisors, managers and officers. While it cannot be expected that training will, in all cases, address underlying attitudes, it should adequately convey what standards of behaviour are desirable and expected, as well as emphasize the responsibility of colleagues, supervisors and managers to address situations that they witness or become aware of.

The principles expressed in the course training materials echo and respond to those outlined above and taken from the relevant literature and the programs of like organizations in terms of desirable practices with respect to harassment prevention training. This notwithstanding, training is only effective so long as it is able to be delivered to a critical mass of employees. While all new members attend the Cadet Training Program and complete the Field Coaching Program, neither the Supervisor Development Program nor the Manager Development Program are mandatory prior to assuming either a supervisory or management position. Since 2009, 1,872 employees have entered the Supervisor Development Program, and of those, 699 have completed it. In that time period, 699 employees have entered the Manager Development Program, while 276 have completed it. The Officer Orientation Development Course was completed by 62 participants in 2012 and, given the requirement to complete it upon being commissioned, there remains a backlog of officers yet to complete the course.

While it cannot be expected that training will, in all cases, address underlying attitudes, it should adequately convey what standards of behaviour are desirable and expected . . .

While the total number of RCMP employees considered to be supervisors and managers was unavailable, it is apparent given the size of the organization that a total of 975 employees having completed the course does

not represent a significant proportion of the overall complement of those at a supervisory or management level. It was equally apparent from the submissions received and interviews conducted by the Commission that employees were unhappy with the manner in which their supervisors addressed their harassment complaints, and that the manner in which the complaints were addressed was inconsistent.

Accordingly, the Commission recommends that all supervisors and managers, upon appointment, be required to complete a relevant training program addressing workplace conflict and harassment within a set time of assuming their responsibilities. Compliance with the delivery of such required training should be centrally monitored and regularly and publicly reported on.

Recommendation No. 9

That all supervisors and managers, upon appointment, be required to complete a relevant training program addressing workplace conflict and harassment within a set time of assuming their responsibilities.

With respect to continual training and education for all employees, as required by the RCMP's policy and a key element to creating a healthy workplace, according to the Canadian Human Rights Commission, the RCMP implemented mandatory harassment training for all employees in 2005. Due to the geographical extent and diversity of the RCMP, it was determined that the most effective way to ensure full compliance with such training was through e-learning. Currently, every RCMP employee must complete an online harassment module on a single occasion. The compliance rate with such training is close to 100 %, which is exemplary given the requirement that the module be delivered even to part-time and occasional employees, such as jail guards. However, it is difficult to conclude that an online module, however comprehensive, offered on a single occasion,

responds to the imperative of continual training. Accordingly, the Commission recommends that the online module, which should address workplace conflict, including harassment, be delivered on a regular basis.

Recommendation No. 10

That the online training module, which should address workplace conflict, including harassment, be delivered on a regular basis.

EVALUATION

As noted above, harassment within the RCMP workplace is not a new issue. Efforts have been made at several junctures to attempt to address the issue, but it is unclear to what degree those efforts have been successful. It is apparent that unqualified success has not been achieved, judging from media reports, litigation and the Commissioner's own public statements. Comprehensive evaluation of any efforts taken needs to occur in order that salutary effects of changes in policy and process may be recognized and built upon, and such that changes which are not having the desired effect may be revisited.

Comprehensive evaluation of any efforts taken needs to occur in order that salutary effects of changes in policy and process may be recognized and built upon . . .

The importance of evaluation cannot be understated:

[W]hen a prevention program is being offered, it gives the impression that "something is being done." However, the reality is that it is unclear whether the program makes any difference . . . Ineffective programs can cause significant harm because they may meet an institution's burden of doing something about sexual harassment without having any effect on the bottom line: reducing the incidence of sexual harassment.⁴⁴

It is paramount, then, for senior management to "[e]valuate the . . . [anti-] harassment policy and training programs in an ongoing way both to better understand their effectiveness and to implement continuous improvement."⁴⁵

Significant investments are made each year by organizations in the training of employees, supervisors and managers in an effort to prevent and reduce the incidence of workplace harassment. Significant time and resources are also devoted to the investigation of harassment complaints and civil lawsuits. A similar amount of resources must be put into the evaluation of anti-harassment policies and programs that have been developed and implemented.

Recommendation No. 11

That the RCMP develop a comprehensive method of evaluation to ensure that changes are producing the desired effects, and that the results of such evaluation be regularly and publicly reported.

CONCLUSION

As has been outlined throughout the Commission's report, the empirical data gathered based on the complaints that were formally made through the established harassment complaint process does not substantiate the supposition that the RCMP is experiencing a systemic problem with gender-based or sexual workplace harassment. However, neither does it substantiate the converse—that workplace harassment in all its forms does not exist. On the contrary, the simple perception of the existence of systemic poor treatment of employees by colleagues and supervisors regardless of gender, as has been reported in the media and accepted by the RCMP Commissioner, is itself sufficient to have a negative impact on both public confidence and the manner in which the police are regarded.

As was stated before the House of Commons Public Accounts Committee in March 2007:

. . . the public have to believe that the senior levels of our police force and our criminal justice system are people who live by the highest standards of conduct in society.

When the criticism is made that police officers are not abiding by the standards they espouse, doubt is cast upon those principles, and respect in the Force may be tarnished. The RCMP bears a responsibility to foster public trust to the extent possible, and when the public perceives that the organization is unwilling to adequately protect and discipline its own employees, it is difficult to see how interactions with the police and trust in the organization would remain unaffected. It is for this reason that swift and effective action must be taken by the RCMP in terms of dealing with workplace conflict and harassment, and taken in a manner that engenders the confidence of both members and the public.

The issue of workplace problems within the RCMP is not new. As cited in this report, the RCMP's senior executive expressed its commitment to ensuring a harassment-free workplace more than a decade ago, and it remains difficult, if not impossible, to determine whether progress has been made. It has again been acknowledged by the RCMP that action is necessary and urgent. However, it is equally important and must be acknowledged that any action must be concrete, and must be measurable.

[T]he simple perception of the existence of systemic poor treatment of employees by colleagues and supervisors regardless of gender . . . is itself sufficient to have a systemic impact on both public confidence and the manner in which the police are regarded.

While impending legislation may provide for different RCMP powers in respect of discipline, this will not be a panacea for dealing with workplace conflict and harassment, an issue which is broad, its magnitude difficult to determine, and its dimensions manifold. A simple pledge to root out moral turpitude in all its forms cannot adequately address the many dimensions of this complex issue, the most important of which is changing the perception of many employees and segments of the public that the organization is complicit in the problem and as a result incapable of adequately addressing it.

In light of the above, and in keeping with the Commission's goal of making recommendations for improvements in RCMP policy and practice, the Commission has made several recommendations. Those recommendations, outlined throughout the report, are designed first to allow for a more comprehensive assessment of the scope and incidence of workplace conflict and harassment. Second, the recommendations aim to improve the robustness and integrity of harassment investigations and decision-making through centralization and better defined criteria, and to establish timelines for completion. Third, the recommendations address training of employees, supervisors and managers, to ensure consistent understanding of roles and responsibilities, and to set the boundaries of acceptable conduct. Finally, the Commission recommends that evaluation be conducted at various stages, and that such evaluation be publicly reported, thus increasing the transparency of the process and the accountability of those charged with its management.

Pursuant to subsection 45.43(3) of the RCMP Act, I respectfully submit my Public Interest Investigation Report.



Ian McPhail, Q.C.
Interim Chair

**A simple
pledge to root
out moral
turpitude in
all its forms
cannot
adequately
address
the many
dimensions of
this complex
issue . . .**

NOTES

- ¹ Numbers are approximate and percentage of employees (which include all categories of employees) is based on current, publicly available RCMP and Statistics Canada data.
- ² All were police agencies serving populations of more than 100,000.
- ³ Mofina, Rick. "Force's women face harassment, RCMP study says." *Ottawa Citizen* September 26, 1996. Final Ed.: A4.
- ⁴ Paquet, Gilles (1997). "Background paper prepared for the Task Force on Governance and Cultural Change in the RCMP", 6.
- ⁵ Daniel, Teresa Ann, "Workplace Bullying in American Organizations: The Path from Recognition to Prohibition." *Presentation at the 53rd Annual Meeting of the International Society for the Systems Sciences Held at the University of Queensland, Brisbane, Australia, June 12–17, 2009*, 3 [Daniel, "Workplace Bullying"]. See also Teresa Ann Daniel, *Tough Boss or Workplace Bully: A Grounded Theory Study of Insights from Human Resources Professionals*. Doctoral dissertation. Fielding Graduate University, 2009 [Daniel, *Tough Boss*].
- ⁶ Einarson, Stale *et al.* eds. (2003). *Bullying and Emotional Abuse in the Workplace: International Perspectives in Research and Practice*. London: Taylor and Francis [Einarson]; Keashly, L. and K. Jagatic. "By Any Other Name: American Perspectives on Workplace Bullying" in Einarson; Leymann, H. and A. Gustaffson (1996). "Mobbing at Work and the Development of Post-Traumatic Stress Disorders." *European Journal of Work and Organizational Psychology* 5:3, 251–275; Namie, G. and R. Namie (2003). *The Bully at Work: What You Can Do to Stop the Hurt and Reclaim Your Dignity on the Job*. Naperville: Sourcebooks.
- ⁷ Perrone, Santina (1999). "Violence in the Workplace" *Research and Public Policy Series*, No. 22. Canberra: Australian Institute of Criminology [Perrone].
- ⁸ *Ibid.* at 6; see also Leather, P., K. Goggin and C. Lawrence (1996). "On the Buses: The Effects of Violence on Public Transport Staff." *Paper presented to the British Psychological Society Occupational Psychology Conference*.
- ⁹ *Ibid.*, Perrone.
- ¹⁰ *Ibid.*
- ¹¹ McKay, Ruth and Jae Fratzl (2011). "A Cause of Failure in Addressing Workplace Bullying: Trauma and the Employee." *International Journal of Business and Social Science* 2:7 [McKay and Fratzl].
- ¹² Perrone, *supra* note 7; see also Dale, R., W. Tobin and B. Wilson (1997). "Workplace Violence: Another Dimension of Precarious Employment." *Just Policy* 10:3, 13.
- ¹³ Daniel, "Workplace Bullying", *supra* note 5; Pearson, C M., L. M. Andersson and C. L. Porath (2000). "Assessing and Attacking Workplace Incivility." *Organizational Dynamics* 29:2, 123–137.
- ¹⁴ Royal College of Nurses (2005), *Bullying and harassment at work: a good practice guide for RCN negotiators and health care managers*. London: Royal College of Nurses [RCN].
- ¹⁵ Perrone, *supra* note 7.
- ¹⁶ RCMP *Administration Manual*, chap. XII.17. "Prevention and Resolution of Harassment in the Workplace" [AM XII.17.].

- ¹⁷ The RCMP employs regular members and civilian members, both of whom are appointed pursuant to the RCMP Act. The RCMP Act also enables the RCMP to employ temporary civilian employees. Finally, the RCMP employs public service employees pursuant to the *Public Service Employment Act*. Despite the RCMP harassment policy's wide application, certain categories of employees are also subject to separate legislative and policy regimes. This variable employment structure adds both horizontal and vertical complexity to the way in which the RCMP manages its human resources.
- ¹⁸ Pursuant to AM XII.G.4, a "Responsible Officer" is defined in relation to the respondent as either the Commanding Officer for division employees, the Deputy Commissioner responsible for regional employees, the Commanding Officer of Headquarters for employees reporting to National Headquarters and below the rank of Deputy Commissioner or equivalent.
- ¹⁹ The policy allows for the exercise of discretion in the extension of this time limit where extenuating circumstances exist. In most cases, this would occur where the complainant became aware of the incident at a later time.
- ²⁰ McKay and Fratzi 2011, 13–14.
- ²¹ McKay and Fratzi 2011, 14; see also McKay, *et al.*, 2008.
- ²² RCN 2005.
- ²³ Lawton, Anne (2005). "The Bad Apple Theory in Sexual Harassment Law." *George Mason Law Review* 13,4: 821–2.
- ²⁴ RCN 2005, 1.
- ²⁵ *Ibid.*
- ²⁶ Harrington, Penny E. and Kimberly A. Lonsway (2007). *Investigating Sexual Harassment in Law Enforcement and Nontraditional Fields for Women*. Upper Saddle River: Pearson Education, Inc. [Harrington and Lonsway]. 7.
- ²⁷ de Haas, Stans, *et al.* (2010). "The Impact of Sexual Harassment in the Dutch Police Force." *Employee Responsibilities and Rights Journal*. 22,4:32.
- ²⁸ In a 2009 document recommending its creation, the Professional Integrity Office was described as ". . . provid[ing] a coordinated approach to the conduct of employee behavior across the full spectrum of RCMP personnel."
- ²⁹ Lewis, John D. and Tim Lawson (2004). "Harassment and Bullying in the Workplace" *Nota Bene* [Lawson].
- ³⁰ Di Martino, Vittorio, Helge Hoel and Cary L. Cooper (2003). *Preventing Violence and Harassment in the Workplace*. Dublin: European Foundation for the Improvement of Living and Working Conditions [Di Martino].
- ³¹ Lawson 1–2.
- ³² Harrington and Lonsway 2007, xii.
- ³³ Canada. Treasury Board of Canada Secretariat. *Investigation Guide for the Policy on the Prevention and Resolution of Harassment in the Workplace*. Ottawa: Office of the Chief Human Resources Officer, 2009.
- ³⁴ RCN 2005, 4.
- ³⁵ RCN 2005, 1.
- ³⁶ RCN 2003, 2.
- ³⁷ Maher, Timothy M. (2010). "Police Sexual Misconduct: Female Police Officers' Views Regarding Its Nature and Extent." *Women & Criminal Justice*, 20:3, 276.
- ³⁸ Laws, Judy and Sarah Gauen (2009). "Respect in the Workplace Project, Internal Research – Final Report." Calgary Police Service, 7.

³⁹ *Ibid.*

⁴⁰ RCN 2003, 2.

⁴¹ RCN 2005, 3.

⁴² Alberta Human Rights and Citizenship Commission, 2007.

⁴³ Alberta Human Rights and Citizenship Commission, 2007.

⁴⁴ O'Hare Grundman, Elizabeth, *et al.* (1998). *The Prevention of Sexual Harassment in SEXUAL HARASSMENT: THEORY, RESEARCH, AND TREATMENT*. Edited by O'Donohue, W. Boston: Allyn & Bacon, 182.

⁴⁵ Harrington and Lonsway, 2007, 2.

APPENDIX A

CHAIR-INITIATED PUBLIC COMPLAINT AND PUBLIC INTEREST INVESTIGATION REGARDING ISSUES OF RCMP WORKPLACE HARASSMENT

As Interim Chair of the Commission for Public Complaints Against the RCMP, I am initiating a complaint into the conduct of those unidentified RCMP members who have been notified, at any time between February 1, 2005, and November 16, 2011, of allegations of harassment by members or employees of the RCMP.

I am satisfied that there are reasonable grounds for me to initiate this complaint, following the concerns expressed by RCMP members and members of the public through the media that allegations of workplace harassment have not been and are not adequately addressed by the management of the RCMP. The Commission will examine policies, procedures, and guidelines having national application. The Commission's mandate is remedial in nature, and aims to identify any improvements that could be made, if appropriate, with the goal of satisfying the public's interest in enhancing and maintaining confidence in the national police force.

Accordingly, pursuant to subsection 45.37(1) of the *Royal Canadian Mounted Police Act* (RCMP Act), I am initiating this complaint into the conduct of RCMP members as outlined above, specifically:

1. Whether those RCMP members notified of allegations of harassment adhered to the appropriate legislation, policies, procedures and guidelines in respect of workplace harassment;
2. Whether RCMP members conducting investigations into allegations of workplace harassment did so in a thorough and impartial manner; and
3. Whether existing RCMP policies, procedures and guidelines are adequate to ensure that allegations regarding RCMP members engaged in workplace harassment are dealt with fairly, effectively and thoroughly.

Furthermore, I am instituting a public interest investigation into this complaint, pursuant to subsection 45.43(1) of the RCMP Act.

In conducting its public interest investigation, the Commission may assess either each instance or a random sample of instances identified in order to make its findings and recommendations, but will not make a determination in respect of the harassment alleged in individual cases.

Member conduct is to be assessed in accordance with whether RCMP members between February 1, 2005, and November 16, 2011, properly applied the relevant policies, procedures and guidelines, including:

- Timeliness of the response
 - Whether the RCMP members, having been notified of allegations of harassment, responded to those allegations in a timely fashion.
- Choice of process
 - Whether RCMP members reasonably considered, following receipt of complaints of harassment, if investigation pursuant to the RCMP's Code of Conduct was necessary and whether other means of resolution were appropriate.
- Conduct
 - Whether the conduct of RCMP members responsible for investigating the allegation(s) in each case was reasonable and consistent with section 37 of the RCMP Act.

APPENDIX B

THE COMMISSION'S RECOMMENDATIONS

Recommendation No. 1

That the RCMP implement a systematically compiled and nationally comparable system of data collection and reporting in respect of workplace conflict.

Recommendation No. 2

That the RCMP institute centralized monitoring and coordination of the harassment complaint process, located at RCMP headquarters and reported directly to a senior executive outside the divisional chains of command.

Recommendation No. 3

That the centralized coordination function also be responsible for receiving complaints of retaliation, the procedure for which should be clearly delineated in the applicable policy.

Recommendation No. 4

That an external mechanism for review of harassment decisions be implemented.

Recommendation No. 5

That the RCMP's policy regarding fostering a respectful workplace be defined as equally applicable to precursors of harassment, such as workplace conflict, in order that its dispute resolution mechanisms may be accessed at an early stage.

Recommendation No. 6

That harassment investigators receive mandatory specialized training in respect of conducting investigations into workplace conflict and/or harassment prior to being tasked with such investigations.

Recommendation No. 7

That the RCMP develop clearly defined investigative standards specifically in respect of investigations into harassment and workplace conflict.

Recommendation No. 8

That the RCMP implement timelines for the treatment of harassment complaints, including for efforts at early resolution.

Recommendation No. 9

That all supervisors and managers, upon appointment, be required to complete a relevant training program addressing workplace conflict and harassment within a set time of assuming their responsibilities.

Recommendation No. 10

That the online training module, which should address workplace conflict, including harassment, be delivered on a regular basis.

Recommendation No. 11

That the RCMP develop a comprehensive method of evaluation to ensure that changes are producing the desired effects, and that the results of such evaluation be regularly and publicly reported.