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March 7, 2024

Dear Mr. Nowak;

We are pleased to contribute to your efforts to transform the Ontario Public Service's (OPS) Workplace Discrimination & Harassment Prevention (WDHP) program, and to improve its efficacy and accountability.

As you are aware, we have long had interest in effectively addressing the many types of workplace conflict that arise in our members' workplaces, including discrimination and harassment.

In responding to your invitation to consult on this initiative, AMAPCEO undertook discussions of our own with our members through our seven (7) Equity Caucuses and AMAPCEO's Equity Committee. In addition, we have also consulted with our professional staff.

A summary of feedback of the equity caucuses and committee was presented to you, Melyssa Hutson, and Vivian Ng on Friday, February 1<sup>st</sup>. Please see the enclosed document which reflects this commentary, organized by the questions we were asked to provide responses to.

We want to highlight that we have consistently provided the same advice to the OPS employer on how to improve the WDHP program.

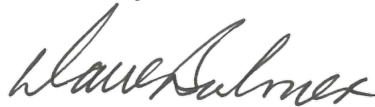
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In addition to the enclosed document reflecting direct member feedback, please consider AMAPCEO's [Recommendations on the OPS Workplace Discrimination and Harassment prevention policy and program from July 2015](#) and [AMAPCEO's November 2020 submission to the OPS Inclusive Workplace Policy and Program Review](#) as these continue to be relevant to the work of the team undertaking this WDHP transformation.

We have identified opportunities to strengthen the program and ultimately to provide the workplace where all employees in the OPS are guaranteed the ability to make contributions in workplaces that are free from discrimination and harassment.

We look forward to continuing to engage on how the OPS Workplace Discrimination & Harassment Prevention program can become a trusted and accountable program so that the OPS is truly an inclusive employer.

Sincerely,



Dave Bulmer  
President & CEO



Cynthia Watt  
Vice-President & Chair, Equity Committee

cc:

Matt Siple, Associate Deputy Minister, CPSLRC, TBS  
Sangeeta Boondoo, Labour Relations Specialists, AMAPCEO  
Ben Rossiter, Team Lead, Labour Relations, and Bargaining, AMAPCEO  
AMAPCEO Equity Committee

Topic	Questions/Responses
<p>Areas of focus:</p> <ul style="list-style-type: none"> <li>• Prevention and early resolution</li> <li>• Workplace conflict</li> <li>• Systemic discrimination</li> <li>• Data transparency and service standards</li> <li>• Service-level experience and program accountability</li> <li>• Workplace restoration</li> </ul>	<p><b>Are we focusing on the right areas?</b>  <b>What other areas (if any) might we consider?</b></p> <p>The current areas of focus are overall satisfactory, but the WDHP can be improved by widening the areas of focus to include:</p> <ol style="list-style-type: none"> <li>1. Systemic or institutional discrimination because of organisational culture, mirroring the OHRC policies and guidelines.</li> <li>2. Safeguarding the psychological safety of complainants by incorporating a trauma informed and culturally sensitive approach.</li> <li>3. Separating prevention and early resolution into individual areas of focus.</li> <li>4. The role of management staff within WDHP.</li> <li>5. Implementing a WDHP audit and reporting cycle.</li> <li>6. Building trust in the WDHP office, and WDHP processes and programs.</li> </ol>
<p>Prevention and Early Resolution</p>	<p><b>How can a transformed WDHP Program better support the organization in the prevention of workplace conflict, discrimination, and harassment?</b></p> <p><b>What strategies and/or supports can a transformed WDHP Program employ to assist non-management staff and management staff in addressing workplace conflict at earliest stages.</b></p> <ul style="list-style-type: none"> <li>• <u>Prioritize prevention</u>: Prevention of workplace conflict, discrimination, or harassment should be prioritized to decrease the overall number of complaints requiring resolution. The WDHP Office should establish a mechanism for either non-management staff or management staff to flag problematic workplaces to the Office for the identification and provision of preventative supports. For effectiveness, this mechanism should include a clear process with contact information.</li> <li>• <u>Support Management staff</u>: Provide training and support for management staff to improve the skill sets necessary to create an organizational culture that actively discourages discriminatory/harassing behaviours and reinforce that workplace</li> </ul>

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	<p>conflict, discrimination and harassment is also a management issue.</p> <ul style="list-style-type: none"><li>• <u>Expand the definitions:</u> Clear definitions for discrimination, harassment, bullying, racial trauma, and racist behaviours, with examples, should be developed.</li><li>• <u>Open dialogue:</u> Create a safe space for a complainant and respondent to review incidents and resolve issues bilaterally, which can include support from the WDHP Office.</li><li>• <u>Use process flowchart and fact sheets:</u> Provision of a WDHP process flowchart, and fact sheets to help and guide both management and non-management staff through WDHP processes.</li><li>• <u>Ethical process:</u> Create an ethical, open, and transparent WDHP process based on ethical principles (like the 7 Grandfather Teachings).</li><li>• <u>Competency building:</u> Provide management and non-management staff with training and materials to support them to address WDHP complaints using a trauma informed approach.</li><li>• <u>Build trust and transparency in the WDHP Program:</u> Train WDHP Office staff to be neutral, unbiased, and to not retraumatize complainants when addressing WDHP complaints. One way to improve transparency is to provide updates and information to both the complainant and respondent at regular intervals. Trust will emerge when timeline commitments are met with appropriate action.</li><li>• <u>Collaborate:</u> An area for collaboration with AMAPCEO is working together to grow a complement of mediators who are culturally sensitive to an increasingly diverse OPS workforce, and to OPS workplace culture.</li><li>• <u>Create a support system for non-management staff:</u> Develop a support system, including at a local level, to address the needs of complainants with an option for culturally sensitive support persons being able to attend meetings.</li></ul>

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Workplace Conflict	<p><b>How should a transformed WDHP Program address allegations/complaints of workplace conflict (incivility, interpersonal conflict, etc.)?</b></p> <p><b>Should expansion of mandate be considered? If so, what suggestions would you provide the organization in effectively doing so?</b></p> <ul style="list-style-type: none"> <li>• <u>Support the psychological safety of complainants:</u> Identify options and supports for raising complaints in instances where the complainant does not feel safe, physically, or psychologically.</li> <li>• <u>Assess complaints:</u> <ul style="list-style-type: none"> <li>○ Identify the nature of the complaint.</li> <li>○ Determine who should manage the resolution.</li> <li>○ Evaluate the seriousness of the complaint to determine if immediate action is needed to mitigate risks.</li> </ul> </li> <li>• <u>Add clear timelines to WDHP processes:</u> Determination of whether a complaint is in scope should be made within an identified timeline to improve program efficiency and eventually establish trust in the program. Ensure that complainants can pursue complaints elsewhere if WDHP is inappropriate and minimise trauma.</li> <li>• <u>Allow for third party referral of complaints:</u> Concerned colleagues who witness harassment and/or discrimination should be allowed to raise issues/make complaints so that it is not just up to the aggrieved individual to present a complaint to the WDHP program.</li> <li>• <u>Make more staff support available,</u> especially within divisions and ministries. Trust amongst staff would improve if there was more support available when they need advice, support, or input into a workplace issue.</li> <li>• <u>Identifying and assessing patterns of bad behaviours</u> and focussing on their prevention. Strategies to achieve this include building commitments to a harassment and discrimination free workplace into the management recruitment and hiring process, and using 360-degree evaluations of managers so that those who discriminate or harass are found out sooner than later.</li> <li>• <u>Use common examples of workplace conflict/</u> discrimination/harassment and approaches to resolve them to improve the effectiveness of a transformed WDHP Policy. Members experiences point to the use of scenarios as a powerful</li> </ul>

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	<p>tool for users of the WDHP, non-management staff, management, and WDHP advisors/staff/mediators to learn and understand what maybe workplace conflict/discrimination/ harassment, assess behaviours/issues, and identify next steps.</p> <ul style="list-style-type: none"> <li>• Include bargaining agents in the process, and as soon as possible.</li> </ul>
Systemic Discrimination	<p><b>How do you feel your organization should address systemic discrimination in the workplace?</b></p> <p><b>What role would you like to see the WDHP Office play?</b></p> <ul style="list-style-type: none"> <li>• <u>Clearly define systemic discrimination within the Respectful Workplaces Policy</u> and affirm that it will not be accepted.</li> <li>• <u>Provide and promote education and training</u> on systemic discrimination in all its forms, including unconscious bias, and providing opportunities to get involved in peer support groups.</li> <li>• <u>Meaningfully address systemic discrimination.</u> If systemic discrimination is suspected or reported, further investigation should be undertaken. If systemic discrimination is determined it should be meaningfully and quickly addressed using an established suite of actions with the aim of preventing further systemic discrimination and trauma.</li> <li>• <u>Ensure appropriate restorative action.</u> Where a complaint is found to have merit establish expectations of the restoration process, the roles of parties involved and audit the effectiveness of restoration on a case-by-case basis.</li> <li>• <u>Share examples</u> of strategies which support a psychologically safe work environment.</li> <li>• <u>Address historical</u> discrimination within the OPS that lead up to systemic discrimination.</li> </ul>
Service-Level Experience and Program Accountability	<p><b>What supports need to be added to the current WDHP process for complainants, respondents, witnesses, and managers?</b></p> <p><b>What strategies should the organization employ to increase accountability in participant’s responsibilities under the Respectful Workplace Policy?</b></p> <ul style="list-style-type: none"> <li>• Clearly outline the investigative process, share all information, provide status updates, and report all findings and the rationale for them, with both complainant and respondent.</li> </ul>

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	<ul style="list-style-type: none"> <li>• Use a case management system which complainants and respondents can access to track the progress of WDHP complaints, share and store private and sensitive records, facilitate secure information sharing, and improve timeliness.</li> <li>• Ensure senior management, including executive leadership, are aware of what to do when they are made aware that an individual is alleging discrimination, as well as the failure of management, to respond appropriately and expeditiously to workplace harassment or discrimination.</li> <li>• Hold management and non-management staff accountable for breaches of the Respectful Workplace Policy and related policies as part of their performance assessments.</li> <li>• Define and assign accountability and identify its importance as well as the consequences for not following the Respectful Workplace Policy and related policies and programs.</li> <li>• Education and awareness of WDHP is important, and a hierarchy of responsibilities with expectations laid out for how responses to workplace conflict should be appropriately handled is recommended. At the staff level, the focus should be on prevention with a direct connection to mental health and positive work environments.</li> </ul>
<p>Improve Data Transparency</p>	<p><b>What types of metrics and analysis would be beneficial for the WDHP Office to share out with partners and stakeholders?</b>  <b>What information would participants like to access during the complaint process and why?</b></p> <p>Providing the following data and analysis annually to partners and stakeholders would be beneficial:</p> <ul style="list-style-type: none"> <li>• What are the number of complaints broken down by union?</li> <li>• What are the AMAPCEO specific statistics, broken down by ministry?</li> <li>• Sociodemographic data without the personal information of complainants and respondents.</li> <li>• What are the grounds of the complaints?</li> <li>• How many complaints were employee vs employee and employee vs management?</li> <li>• How many complaints were substantiated? Of those, how many dealt were employee vs employee, or employee vs management?</li> </ul>

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	<ul style="list-style-type: none"> <li>• What action was taken by the Ministry for complaints assessed and deemed out of scope?</li> <li>• Out of the complaints, whether within scope or out of scope, how many which ones were subject to a formal dispute?</li> <li>• Where management action was taken, what was the nature of the management action?</li> <li>• How long did the process take from the time of complaint to resolution?</li> <li>• How many cases are in progress?</li> <li>• What is the current number of people on administrative leave pending investigation?</li> <li>• What resolution options and support programs for complainants exist?</li> <li>• How satisfied were WDHP complainants with the outcomes?</li> </ul> <p>Participants would like to see the following:</p> <ul style="list-style-type: none"> <li>• Resolution options, and various assistance and help programs that are available based on the situation.</li> <li>• Status updates on what stage/level their individual case is in the process to inform everyone involved that their case is being investigated and/or investigated and what the next steps are.</li> <li>• An easy-to-access form with proper checklists that are easy to complete is recommended.</li> <li>• It is also important to identify the most at-risk communities of employees and the various assistance and help programs that are available based on the situation.</li> <li>• The reasons behind decisions, the decision-making process of the WDHP advisors, rationale, and recommendations should be shared.</li> </ul>
<p>Improve Service Standards</p>	<p><b>What barrier(s) do you think has/have the biggest impact on the service timelines of the WDHP office? How should the barriers be addressed?</b></p> <p><b>The WDHP Office is exploring the enhancement of services (enhanced direct management action, internal mediation services, and internal investigations) that allow for early and more effective resolution of conflict. Do you support the expansion of these services and/or have any suggestions on how to enhance these services further?</b></p>



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	<ul style="list-style-type: none"><li>• The program should develop strategies for investigators to collect evidence in a manner that is sensitive to the power imbalances in the workplace and the potential for reprisals against complainants and witnesses.</li><li>• The WDHP office manages competing priorities and files with insufficient resources, and this is a significant barrier as it results in complaints and complainants not receiving the required attention for either a meaningful process remedy/restoration in a timely manner.</li><li>• Ensure that WDHP staff are diverse and culturally sensitive to enhance the office’s capacity to address complaints and support the identification of appropriate restoration.</li><li>• Use common examples of workplace conflict etc. to improve the understanding of non-management staff, management, and WDHP staff on what is workplace conflict etc. and how to address incidents.</li></ul> <p>We support the expansion of services as workplace conflict, discrimination, and harassment are traumatic. Some members have reported that from their experiences, there has been very little benefit from the WDHP process to date. Some suggestions of how WDHP services can be enhanced are:</p> <ul style="list-style-type: none"><li>• A diverse group of people within the WDHP office is required, when it comes to dealing with complaints/mediating matters.</li><li>• Having a process or approach to address historical discriminatory/harassing acts that lead up to a poisoned work environment.</li><li>• Efforts should be taken to minimize the impact of hierarchy (power imbalances) on the WDHP process as the complainant or respondent can be a colleague or a manager, director, etc. Managers should be mandated to report what actions they took and provide proof of action.</li></ul>

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Workplace Restoration	<p data-bbox="451 241 1406 310"><b>What workplace restoration services would you like to see as part of a transformed WDHP process?</b></p> <p data-bbox="451 363 1349 432"><b>What strategies would you suggest the organization employ to ensure restoration plans occur and are effective?</b></p> <p data-bbox="451 485 1403 638">Our members have indicated that mentally healthy workplaces are a top priority, and they shared that the WDHP process can be improved by the development and implementation of an organization-wide workplace restoration strategy that includes the following:</p> <ul data-bbox="500 653 1414 1423" style="list-style-type: none"><li data-bbox="500 653 1414 762">• Sharing examples of good and motivated teams, what and how they are doing things, how those strategies could be adapted, and how to support a psychologically safe work environment.</li><li data-bbox="500 772 1414 882">• Career restoration for the complainant which ensures that they maintain their ability to progress in their career and do not experience reprisals for making a WDHP complaint.</li><li data-bbox="500 892 1414 1045">• Establishing expectations of the restoration process, involve the complainant in determining what restoration would be appropriate, and clearly identify the roles of parties in the restoration process.</li><li data-bbox="500 1056 1414 1165">• Restoration of any related sick leave credits used and potential financial remedies, as appropriate, to make the employee whole.</li><li data-bbox="500 1176 1414 1245">• Use culturally sensitive restoration services such as restorative justice circles.</li><li data-bbox="500 1255 1414 1325">• Implement restoration strategies as early as possible to improve their effectiveness.</li><li data-bbox="500 1335 1414 1423">• Audit the impact of restoration plans within a defined period to assess its effectiveness.</li></ul>