

RCMP



ROYAL CANADIAN MOUNTED POLICE



Management of the RCMP Conduct Process

2017
Annual
Report



Royal Canadian
Mounted Police

Gendarmerie royale
du Canada

Canada



2017 ANNUAL REPORT ›

Management of the RCMP Conduct Process

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Message from the Professional Responsibility Officer

The Royal Canadian Mounted Police (RCMP) is an extremely complex organization, policing at the municipal, provincial, federal and international levels, including contract and Indigenous policing. Public trust is essential for the RCMP to effectively fulfill its mandate. As a result, RCMP employees are expected to conduct themselves and perform their duties with the highest level of integrity.

Members are required to behave in accordance with the Code of Conduct both on- and off-duty. Contraventions are taken seriously and the RCMP is committed to handling conduct issues in a timely, efficient and fair manner. Emphasis is placed on identifying remedial, corrective and educative solutions, rather than being limited to punitive sanctions.

The Professional Responsibility Sector (PRS) provides direction and leadership in the design, development and integration of a comprehensive responsibility culture across all RCMP business lines/divisions and to champion the entrenchment of professional responsibility in all decision-making. The PRS operates to guide employee behaviour, address employee misconduct, as well as support an ethical culture by working closely with divisions.

As the Professional Responsibility Officer and a member of the Senior Executive Committee, I am accountable for providing national leadership in instituting and supporting the RCMP vision for a comprehensive responsibility-based workplace that promotes professional, values-based decision-making and behaviour across all categories of employees.

This report outlines the management of the conduct process, provides statistics, identified common trends, advancements and challenges the RCMP is facing.

Guylaine A. Dansereau

Professional Responsibility Officer
Royal Canadian Mounted Police

› 2017 in Numbers

476

conduct files opened

434

conduct files
concluded

449

members alleged
of committing
misconduct

143

average days to
process conduct files
from start to finish

57%

established allegations
for conduct files

85

conduct decisions appealed

7%

harassment complaints
of a sexual nature

296

harassment complaints

3,036

employees completed
the online course for
conduct authorities

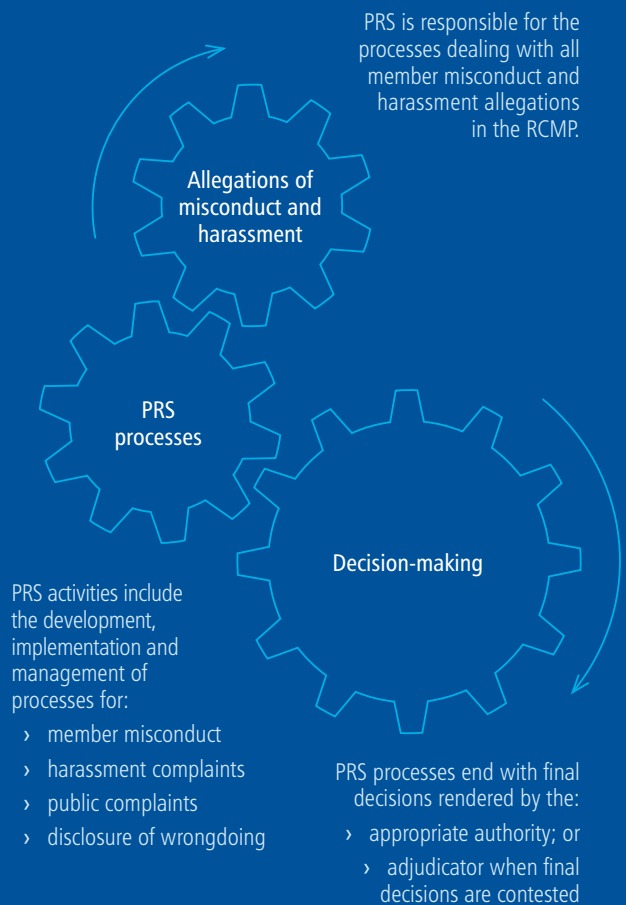
About the Professional Responsibility Sector

WHO WE ARE AND WHAT WE DO

The Professional Responsibility Sector (PRS) is responsible for ensuring a framework that promotes professionalism in the RCMP and addresses: (i) misconduct by regular and civilian members; (ii) all harassment complaints (members and public service employees); and (iii) member grievances and appeals.

The PRS **mandate** is to manage RCMP policies, processes and programs, which foster and encourage professional behaviour; address issues of conduct; and reward outstanding achievements. Its **mission** is to promote the high standards of professional ethics and integrity expected of the organization by its employees and the public.

To meet its mission, the PRS provides direction and leadership in the creation of an integrity framework, applicable across all RCMP business lines and divisions, and to promote the integration of professional responsibilities at all levels of the decision-making process.



STRUCTURE AND ACTIVITIES

The PRS consists of 3 branches, which house seven directorates and nearly 200 employees. The following chart illustrates the Sector’s organizational structure.

The PRO reports directly to the Commissioner and is a member of the RCMP’s Senior Executive Committee.

PRS branches operate to guide employee behaviour, address employee misconduct, and support an ethical culture.

Branches are subdivided to reflect PRS activities which support a responsibility-based workplace that promotes professionalism.

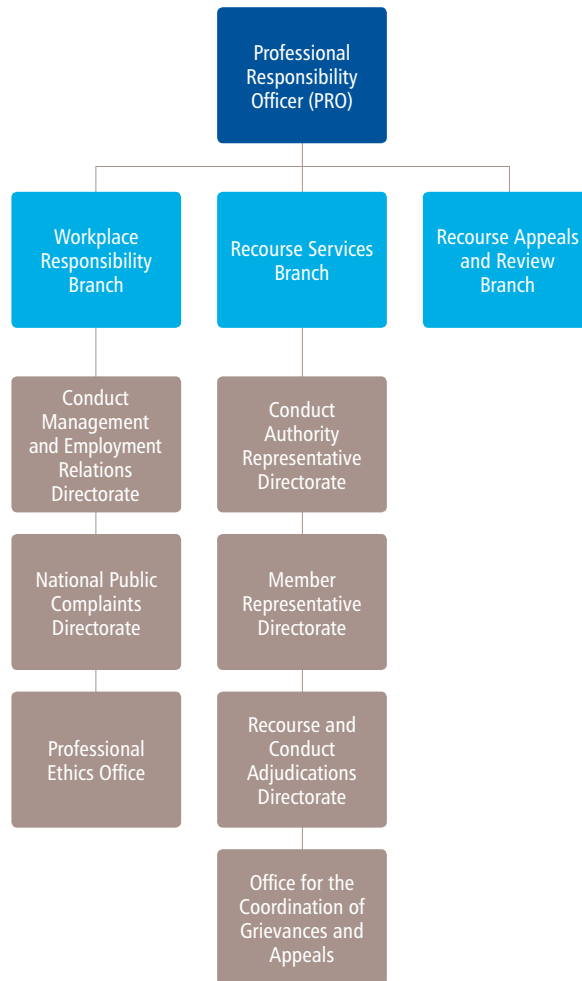


Figure 1
PRS organizational structure

To achieve its mission, the PRS encompasses a wide range of activities under the responsibility of a specific PRS branch. The **Workplace Responsibility Branch** provides expertise, policy and service delivery support in the areas of conduct, employment requirements, harassment, human rights, public complaints and ethics. The **Recourse Services Branch** is responsible for providing independent adjudication and representation services in conduct dismissal proceedings, providing policy support on grievances and appeals in addition to overseeing their management. The **Recourse Appeals and Review Branch** offers adjudicative services for member grievances at the final level and for certain member appeals. The branch also supports the Commissioner, who personally decides grievances and appeals which are complex, sensitive or essential to defining standards of conduct or culture in the RCMP. For more detailed information on PRS programs and activities, see the 2015 Annual Report on the Management of the RCMP Conduct Process¹.

¹ RCMP Adjudicative Services Branch, 2015 Annual Report Management of the RCMP Conduct Process, ISSN 2293-2240 (Ottawa, 2017).

COLLABORATION IN CONDUCT MATTERS

To ensure a fair, transparent and timely resolution of conduct matters, it is essential for the PRS to obtain the collaboration of key players, located in all RCMP divisions, responsible for the administration of the conduct process. Supported by the National Conduct Policy Centre and Advisory Unit, through continuous communication and learning activities, divisional advisors and appropriate decision-making authorities apply the rules and procedures of the conduct process. In return, they offer valuable information on how and where to improve the process. For sexual misconduct taking place on and off-duty, the Conduct Authority Representative Directorate provides mandatory consultative services to the divisions so that they may report and address the incidents in a timely fashion.



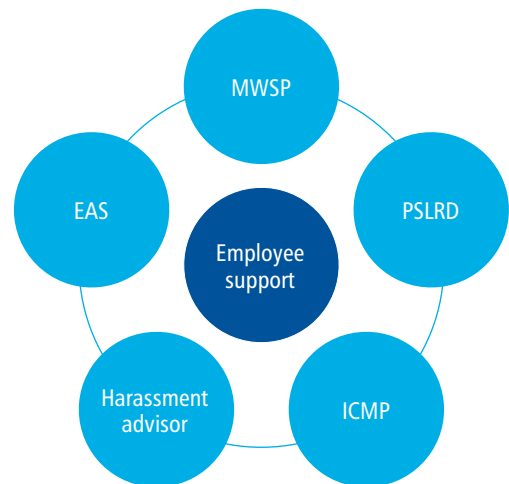
Public and internal trust are paramount to the organizational success of the RCMP. To this end, the RCMP External Review Committee (ERC) was created as an independent external administrative body to the RCMP. Under the *Royal Canadian Mounted Police Act*² (*RCMP Act*), amended in 2014, the ERC is tasked with reviewing appeals of certain types of decisions, including conduct and harassment allegations. Based on the review of a file, the Chair of the ERC issues findings and recommendations for consideration by the Commissioner (or a delegate) of the RCMP. The Commissioner is the final decision-maker and must consider the findings and recommendations of the ERC. If the Commissioner does not follow the findings or recommendations of the ERC, then the Commissioner must provide the reasons for not doing so. This is one of the many safeguards in place to ensure an independent and transparent review of conduct matters. The Chair of the ERC reports annually to Parliament.

² *Royal Canadian Mounted Police Act*, R.S.C., 1985, c. R-10

SUPPORT FOR EMPLOYEES

The PRS ensures that those responsible for managing a conduct issue are well supported, while concurrently informing employees of various avenues in place to support and guide them.

The Member Workplace Services Program (MWSP) was created in 2016 to ensure members receive individual advice, support, guidance and representation to resolve workplace issues until a certified bargaining agent³ is selected to represent members. The Public Service Labour Relations Directorate (PSLRD) is responsible for all aspects of the Labour Relations Program for public service employees. Furthermore, it maintains and fosters a positive and constructive relationship between management, employees and their respective representatives. In addition to employees' union representative or MWSP, employees who are seeking help to resolve a workplace situation may also contact a divisional Informal Conflict Management Practitioner (ICMP), a Harassment Advisor or the Employee Assistance Services (EAS) provider.



³ In January 2015, the Supreme Court of Canada ruled that RCMP members would be given the right to choose, whether or not, to be represented by a certified bargaining agent. This ruling came into effect on May 17, 2016, and resulted in the Commissioner's dissolution of the long-standing Staff Relations Representatives Program. The MWSP will no longer serve members who are part of the bargaining unit after a certified bargaining agent is selected to represent them.

EDUCATION AND PROMOTION OF PROFESSIONAL RESPONSIBILITIES

Research⁴ has demonstrated that when employees' expectations are clearly communicated on a regular basis via various awareness and training mechanisms, easily accessible guidance and support tools, the result is a reduction in conflict and conduct issues.

Professional and ethical expectations of RCMP employees, which include members and public service employees, are outlined in 3 codes of conduct available on the RCMP's internal website:

- › Member Code of Conduct
- › Public Service Employee Code of Conduct
- › Treasury Board *Values and Ethics Code for the Public Sector* (applicable to all employees)

In addition, the *Conflict of Interest Directive* highlights the requirement to avoid engaging in activities that blur the line between an employee's professional responsibilities and his or her personal interests. Furthermore, it emphasizes an employee's obligation to act with integrity, fairness and impartiality.

The RCMP has adopted a proactive approach to educate its employees on the importance and meaning of professional responsibilities by using all communication vehicles at its disposal, ranging from recruiting sessions targeting potential police officers, to in-house training courses offered to employees, and holding one-on-one annual performance agreement meetings.

⁴ Stephen Maguire & Lorraine Dyke, *CACP Professionalism in Policing Research Project*, online: Canadian Association of Chiefs of Police <https://www.publicsafety.gc.ca/lbrn/archives/cnmcs-plcng/cn31143-eng.pdf>.

DID YOU KNOW?

No member of the RCMP is eligible to be appointed as the Chair or as a member of the ERC.

1. Recruiting – potential candidates

Professional responsibilities are:

- › available on the RCMP public website
- › explained during recruiting sessions
- › listed in the application/selection packages submitted by candidates
- › included in the *Acknowledgements of professional responsibilities* forms signed by candidates at the selection, interview and graduation phases

2. Training – cadets and employees

Content on professional responsibilities and ethical conduct is included in:

- › the 26 weeks Cadet Training Program
- › all in-service specialized training courses for employees
- › leadership development programs, from supervisors and managers to executives

3. Ongoing discussion – employees

Professional responsibilities are discussed with all employees during:

- › Annual performance agreement meetings
- › National communication campaigns launched to increase awareness on professional and ethical behaviours as well as on how to obtain guidance and support

PART 2 ›

Conduct Management System

Canadians expect high standards of conduct from their national police force. RCMP members are subject to the same laws as all Canadian citizens in addition to a legislated Code of Conduct consistent with the responsibilities of members as set out in the *RCMP Act*.

The Code of Conduct provided for in the *RCMP Regulations*⁵ applies to members only, both on and off-duty, in and out of Canada. The objectives of the Code of Conduct are to maintain public trust and promote good conduct, thereby making members accountable and responsible for their actions. It covers a broad range of behaviours, including: courteous and respectful service delivery; respect for the law and the administration of justice; performance of duties and responsibilities; proper use of force; dealing with conflict of interests; engaging in discreditable conduct; reporting work related activities; abiding to oaths of confidentiality and making public statements; and participation in political activity.

To support the promotion of member professional responsibilities, the RCMP modernized its conduct management system through the Legislative Reform Initiative resulting in the amendments of the *RCMP Act*, which came into force on November 28, 2014. The legislated changes include a revised Member Code of Conduct and a new conduct process managed by a centralized group, the National Conduct Management Section, to ensure misconduct is dealt with efficiently through a simplified and streamlined process.

⁵ *Royal Canadian Mounted Police Regulations, 2014, SOR/2014-281, Schedule*

THE NATIONAL CONDUCT MANAGEMENT SECTION

The mandate of the National Conduct Management Section (NCMS) is to provide national strategic advice, leadership, coordination, analysis, support, research, policy interpretation, recommendations and guidance to RCMP management, national business lines, divisional stakeholders and other parties to the conduct process governed by the *RCMP Act*.

In 2017, the NCMS continued to pursue its evaluation of conduct files and data collection in order to identify behavioural tendencies exhibited by RCMP members. Preliminary findings based on evidence and trend identification were used to develop initiatives that focus on education and training, including a national communication strategy, new and enhanced training courses, as well as research projects.

CONDUCT PROCESS OVERVIEW

Members are responsible and accountable for the promotion and maintenance of good conduct. Contraventions to the Code of Conduct are reported promptly to the appropriate decision-making authority, who is typically the person (member or public service employee) in command of the subject member. The decision-maker is referred to as the conduct authority and has the power to order an investigation and decide the outcome of the conduct process⁶.

⁶ Complete information on the conduct process is found in the *National Guidebook – Conduct*, available to all personnel and accessible on the RCMP internal website.

NCMS supports divisional conduct advisors and decision-making authorities

700 significant requests for advice/research were answered by NCMS in 2017

It is the responsibility of every member

- › to respect the rights of all persons;
- › to maintain the integrity of the law, law enforcement and the administration of justice;
- › to perform the member's duties promptly, impartially and diligently, in accordance with the law and without abusing the member's authority;
- › to avoid any actual, apparent or potential conflict of interests;
- › to ensure that any improper or unlawful conduct of any member is not concealed or permitted to continue;
- › to be incorruptible, never accepting or seeking special privilege in the performance of the member's duties or otherwise placing the member under any obligation that may prejudice the proper performance of the member's duties;
- › to act at all times in a courteous, respectful and honourable manner; and
- › to maintain the honour of the Force and its principles and purposes.

Reference: *RCMP Act*, section 37

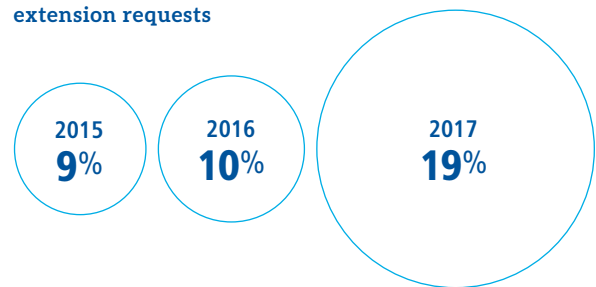


Figure 2
Conduct process for
RCMP members

The conduct authority has up to one year to impose conduct measures or to initiate a conduct hearing. The RCMP Commissioner, or delegate, may extend the time limitation period in exceptional circumstances. This year, conduct authorities requested a total of 27 time extensions of which 5 were denied. However, the majority of conduct files were concluded, on average, within 143 days, starting from the day that the conduct authority became aware of the allegations and the identity of the subject member to the service date of the decision.

The subject member and the conduct authority (where dismissal is sought) can request a review of the final written decision through the internal appeal process, which will be further discussed in section 5 “Available appeal process”.

Denied time extension requests



STATISTICAL RESULTS IN 2017

1. Number and types of conduct files

The NCMS is responsible for tracking and recording all relevant information related to the conduct process. It produces statistical data that allows the RCMP to evaluate and report on its ability to address misconduct and effectively manage the conduct process. In 2017, 476 conduct files were opened, indicating a 2% (+ 11) increase from the previous year (465) as shown in Figure 3. The percentage difference is marginal unlike what was experienced between 2015 and 2016⁷. The year 2015 was an irregular year marked by the introduction of the new conduct process, the transfer of 211 files from the previous conduct process and the inclusion of 13 months of data instead of the 12-month calendar year.

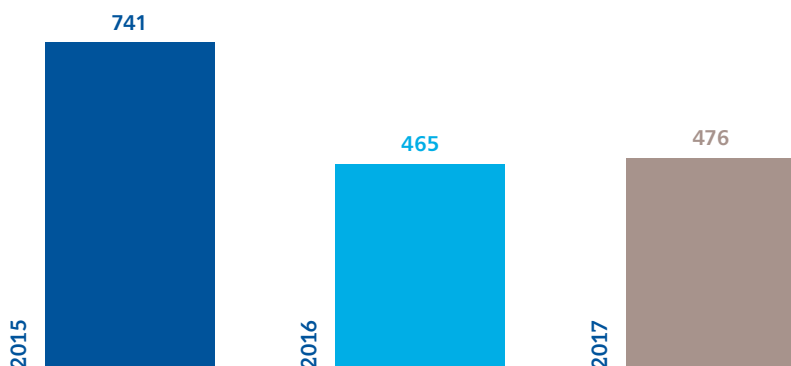
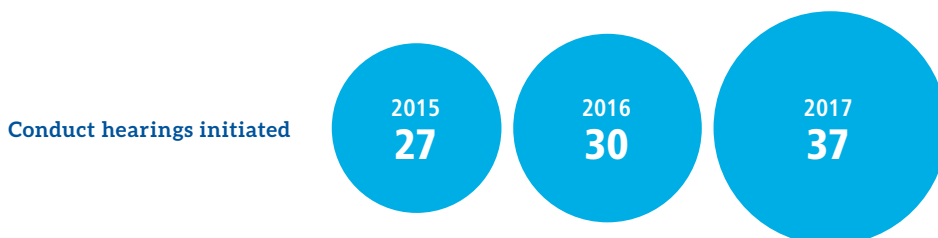


Figure 3
Number of conduct files,
from 2015 to 2017

In only the most serious cases, the conduct authority will commence a conduct hearing to seek the dismissal of the subject member. These cases are referred to the Conduct Authority Representative Directorate for further processing and the initiation of a conduct board if required. This is in sharp contrast from the previous conduct process under which all conduct files where greater than a one-day penalty was sought were sent to a conduct hearing. In 2017, the number of dismissal conduct files remained low; the percentage varied from 7% to 8% in the last 3 years. Conduct hearings were only initiated for a subset of the files referred to the Conduct Authority Representative Directorate. Of the 129 files referred to the Directorate, from 2015 to 2017, only 94 resulted in conduct hearings being initiated of which 38% involved at least one sexual misconduct allegation.

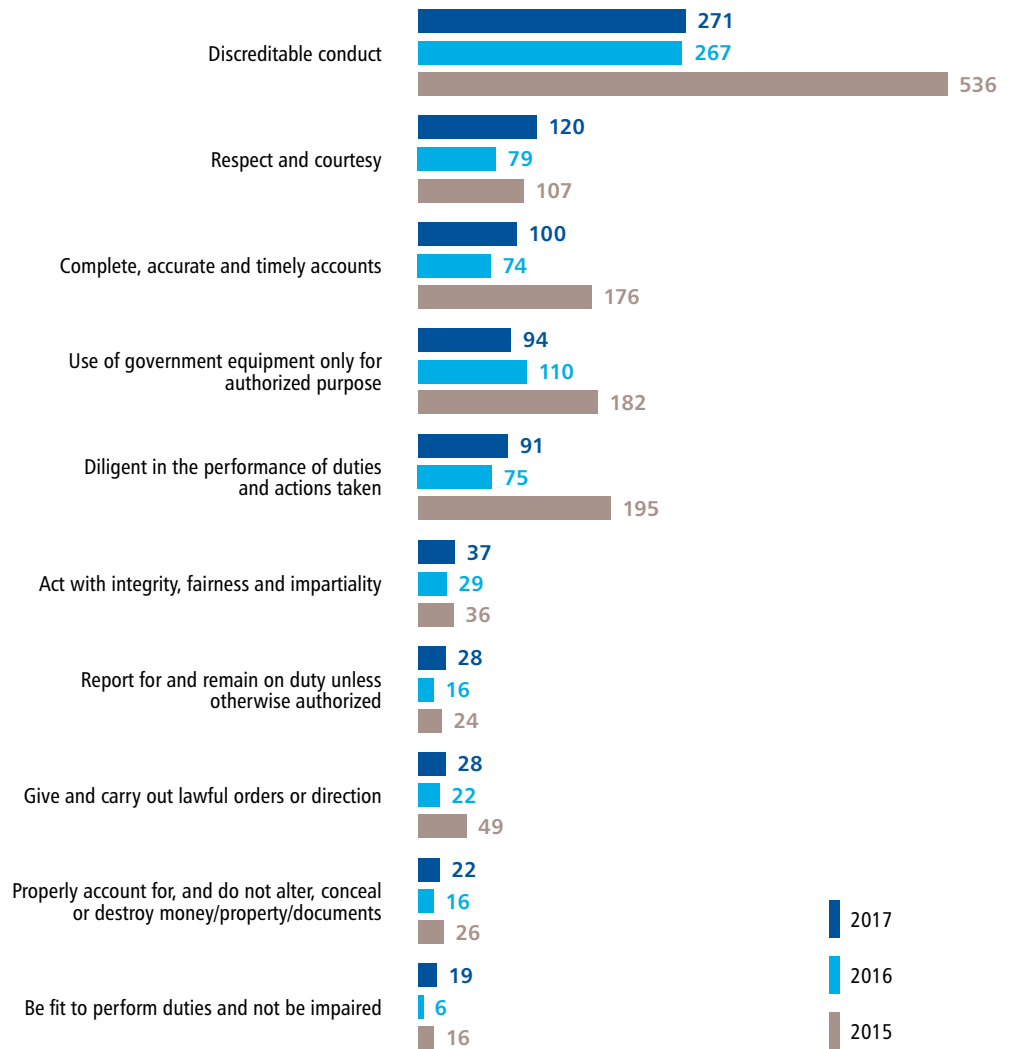


⁷ In this report, the year 2015 covers a 13-month period that begins on November 28, 2014 (date on which the amended RCMP Act came into force) and ends on December 31, 2015.

There can be multiple allegations of misconduct in a single file and a member can be subject to more than one Code of Conduct contravention. In 2017, a total of 880 allegations were brought against 449 subject members, an increase of 15% in allegations and 4% from 2016 (767 allegations and 431 subject members). Over the last 3 years, the top 10 allegations of contravention of the Code of Conduct remained largely the same, *Discreditable Conduct* being the most common (Figure 4). In 2017, there was a total of 271 allegations where a subject member was alleged to have engaged in behaviour that would discredit the RCMP, followed by 120 allegations of

a lack of respect and courtesy (including harassment), and 100 allegations of failure to provide complete, accurate and timely accounts pertaining to the subject members' reporting duties. Similar proportional results are illustrated for 2016 and 2015. When the new Code of Conduct was introduced, conduct authorities had a tendency to overuse the allegation *Discreditable Conduct* and stack multiple allegations against the subject member for the same contravention, which explains partly the substantially higher number (1,475) of misconduct allegations reported in 2015 for 662 members.

Figure 4
Top 10 allegations of misconduct, from 2015 to 2017



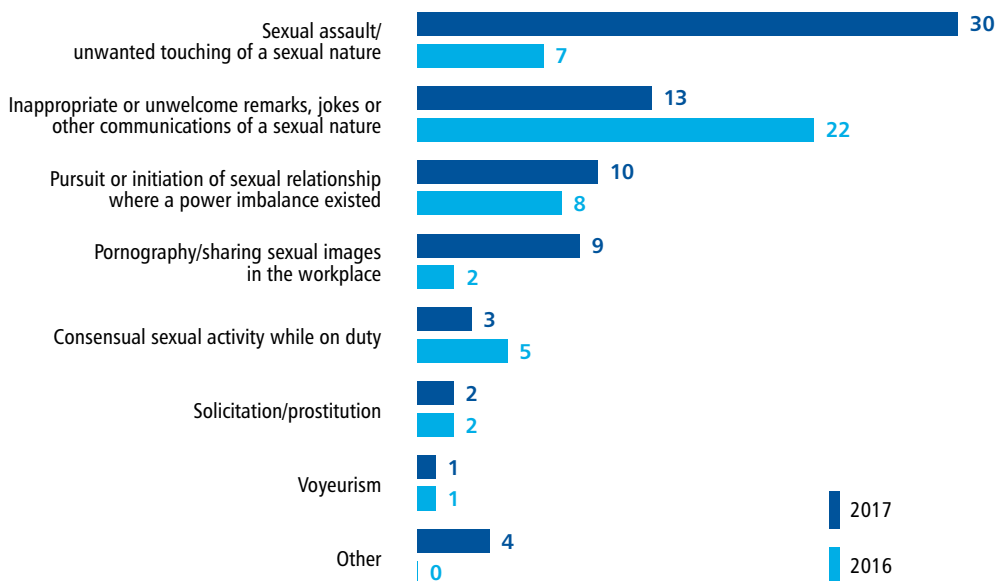


Figure 5
 Conduct files by sexual misconduct allegations, from 2016 to 2017

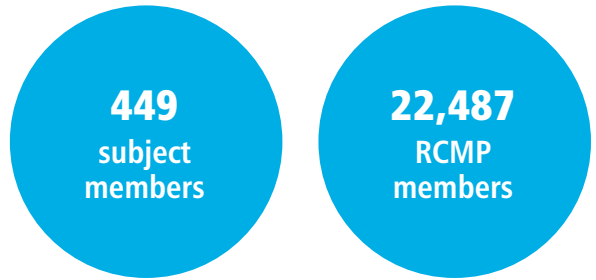
The NCMS began reporting on sexual misconduct in 2016, following the introduction of an organizationally approved definition of sexual misconduct and the requirement for mandatory consultation with the Conduct Authority Representative Directorate. The RCMP defines sexual misconduct as any inappropriate act, behaviour, or language of a sexual nature. From 2016 to 2017, the number of files increased by 53% (from 47 to 72). The growth in number coincides with the enhanced efforts of the RCMP to raise awareness on its zero-tolerance policy on sexual misconduct, harassment, as well as its goal to provide a safe workplace environment for all employees. Figure 5 provides an overview of the nature and number of conduct files that include at least one allegation meeting the new definition of sexual misconduct. Of the 72 sexual misconduct files opened in 2017, sexual misconduct, sexual assault or unwanted touching of a sexual nature account for 42% of the cases. This limited number of files does not allow for the identification of trends; however, the last 2 years document the same top 3 sexual misconduct allegations listed in Figure 5.

DID YOU KNOW?

Conduct authorities must consult with the Conduct Authority Representative Directorate for any advice on conduct matter regarding allegations of a sexual nature.

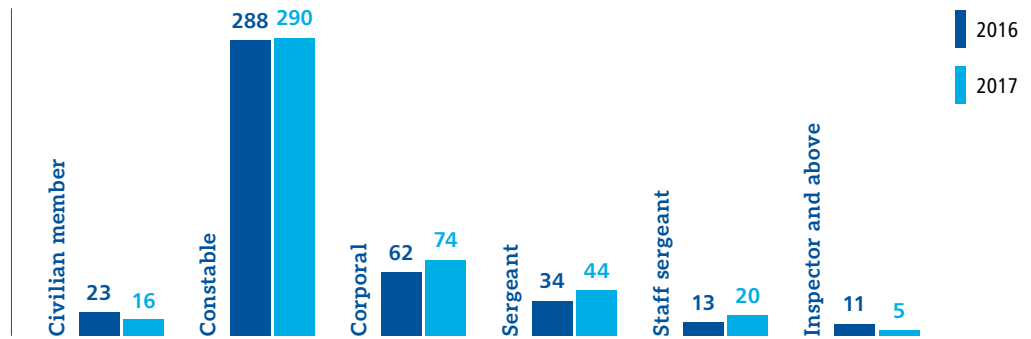
2. Subject members

Members of the RCMP proudly serve Canadians and adhere to all applicable rules and regulations including the Code of Conduct. Only a minority of members breach the Code of Conduct: over the past year, less than 2% of members faced allegations of misconduct. As seen in previous years, the number of conduct files per division remains largely proportional to the total number of members in the divisions across Canada.



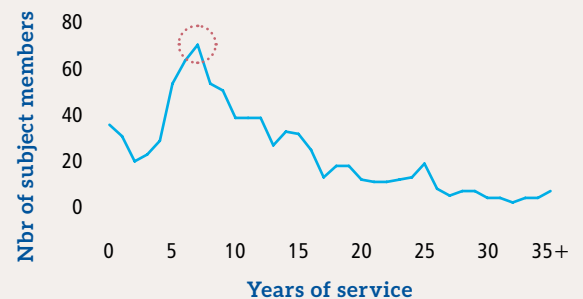
Regular member ranks range from constable (junior rank) to inspector and above (senior ranks). Based on the 2016 and 2017 data illustrated in Figure 6, the largest incidence of misconduct occurs at the constable rank. This is not surprising given that constables account for more than half (11, 684) of the member population. However, it did prompt the NCMS to look closely at the number of years of service of subject members. It found that there is a significantly higher number of members contravening the Code of Conduct between their 5th and 9th years of service (especially at the 7-year mark) than at any other period of their service within the organization.

Figure 6
Subject members by rank,
from 2016 to 2017



ISSUE OF INTEREST

After the NCMS concluded the 7-year Spike project, in which it found that contraventions of the Code of Conduct increase during the 5 to 9 years of service period, it turned its attention to what takes place during these years that contribute to this spike in misconduct. The final results and conclusions of the follow-up study will be available in late 2018.



Why is this project important? By understanding what is contributing to the 7-year spike, the project team should be able to identify particular risk markers for Code of Conduct issues and pre-emptively focus on these issues. This should result in decreasing or eliminating the number of Code issues for particular types of conduct, increase accountability, and promote professional member responsibilities.



3. Conduct file outcomes

Interim administrative measures can be imposed by a conduct authority at any time during the conduct process when a subject member is suspected of contravening the Code of Conduct, or a federal or provincial law.

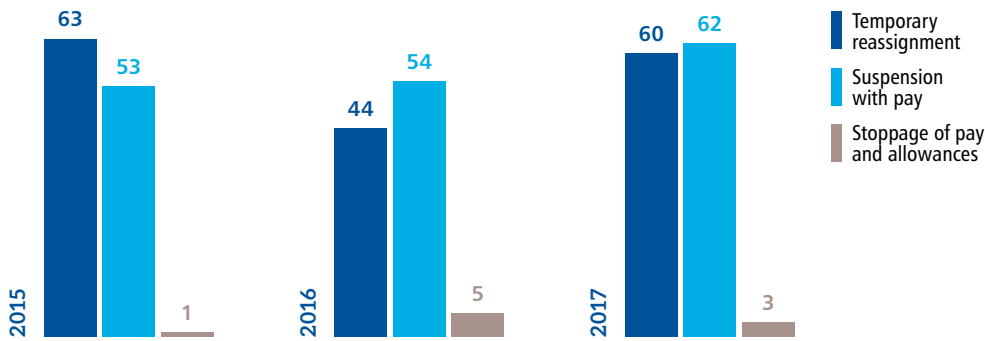


Figure 7

Number of interim administrative measures imposed by year, from 2015 to 2017

Interim administrative measures include temporary reassignment, suspension, and stoppage of pay and allowances. They are preventative measures created to protect the integrity of the RCMP and its processes, pending the outcome of the matter which gave rise to the interim administrative measure.

As of the end of 2017, the RCMP closed 195 conduct files that were initiated within the same year. Figure 8 illustrates the number of concluded files in 2017, which totals 434 files. Conduct files can remain open over more than one year for many reasons.

For example, some 2015 conduct files remain open due to their referral to a conduct board (for dismissal cases), subject members are on a long-term leave of absence for medical reasons, or a criminal investigation/proceedings is ongoing.

	2015	2016	2017
Files opened	741	465	476
Files closed in 2017	23	216	195
Ongoing files by the end of 2017	6	47	281

Figure 8

Status of conduct files, from 2015 to 2017

As outlined earlier, a conduct authority is responsible for managing the entire conduct process and making decisions up to the point of seeking dismissal. There are 3 levels of conduct authority and the *RCMP Act* provides them with the power to impose conduct measures commensurate with their level. There are three categories of conduct measures and, depending on the seriousness of the contravention, the measures can be remedial, corrective or serious⁸. These measures allow more flexibility for conduct authorities to ensure the measure fits the misconduct.

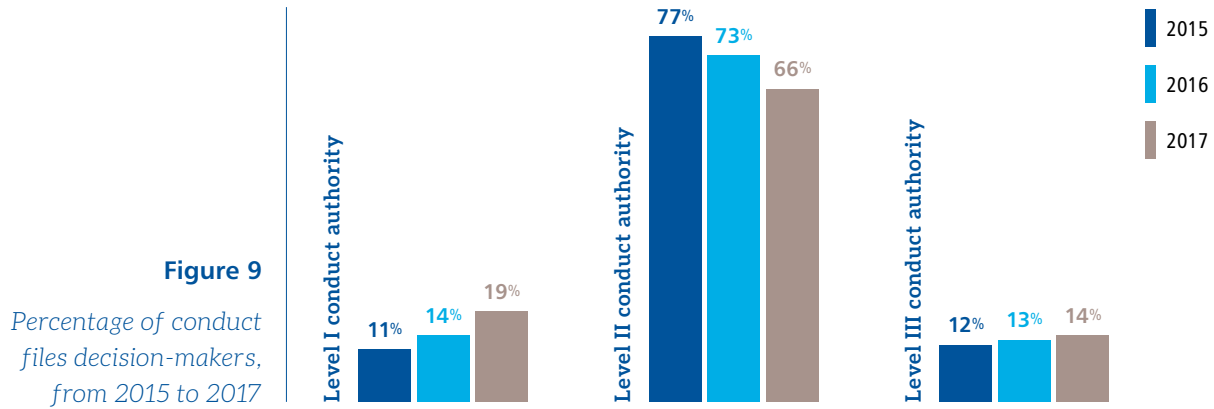


Figure 9 shows that the number of files dealt with by a level I conduct authority (where remedial conduct measures are to be imposed) has slightly increased over the last 3 years. This is in increase somehow inversely proportional to the decrease seen in matter before the Level II conduct authority (where the nature of the misconduct requires a corrective conduct measure). The seriousness accorded to the nature of the misconduct are reflected by the fact that conduct authorities do exercise diligence in ensuring that misconduct is addressed at the most appropriate level of management.

8 Remedial conduct measures, available to all levels of conduct authorities, include close supervision, training, counselling, reprimand, reassignment and other similar types of measures.
Corrective conduct measures, available to levels II and III conduct authorities, entail ineligibility for promotion, deferment of pay increases, financial penalties, suspension without pay, and forfeiture of annual leave for a limited period of time or amount of money.
Serious conduct measures, available to level III conduct authorities only, are comprised of similar measures, but they involve greater financial penalties and are imposed for much longer periods of time. Demotion, permanent transfer and suspension without pay are additional measures at the level III conduct authorities' disposal.



Of the 195 conduct files concluded by the end of 2017, Figure 10 reveals that conduct authorities found that 57% of cases were established while 29% were found not to be established. These results are similar to the percentages reported on in 2016 (59% and 32%).

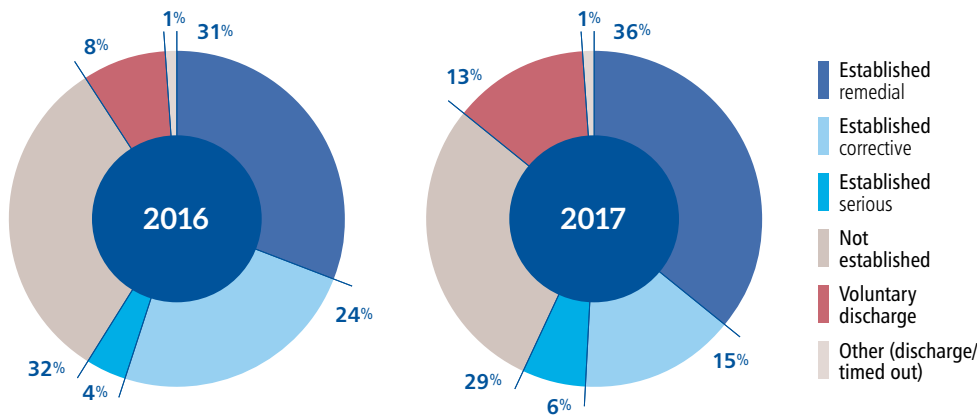


Figure 10
Percentage of concluded conduct files by outcome, from 2016 to 2017

In 2017, the percentage of subject members who chose to leave the RCMP while in the conduct process increased compared to the previous year. The data collected in the future years will enable the NCMS to determine whether this increase might be a trend or an anomaly.

A closer look at the established category displays the types of conduct measures imposed by conduct authorities. Compared to 2016, the percentage of files resulting in remedial measures slightly increased to 36% while a proportional marginal drop was seen for corrective and serious measures. Based on the 2016 and 2017 data, remedial measures continue to be applied in the majority of established cases, which suggests that although the majority of misconduct is being dealt with by level II conduct authorities, remedial measures are imposed more frequently.

In cases where a conduct hearing to dismiss a member from the RCMP is initiated, the conduct board renders the decision. The board has the authority to impose any conduct measure in addition to order a resignation or a dismissal of a subject member. In 2017, the number of initiated conduct hearings increased by 37% compared to 2015 (from 27 to 37). Similarly, more conduct hearings were held this year (13) than in 2016 and 2015 combined (10). The same upward trend is observed for the number of voluntary

discharges of members involved in the conduct process (23 in 2017; 19 in 2016; 10 in 2015) and the number of subject members dismissed by the RCMP (4 in 2017; 2 in 2016; 1 in 2015).

SEXUAL MISCONDUCT (2017)

55 ongoing files

17 concluded files of which:

- 12 are established
- 2 are not established
- 3 discharged voluntarily

Conduct Board Hearing:

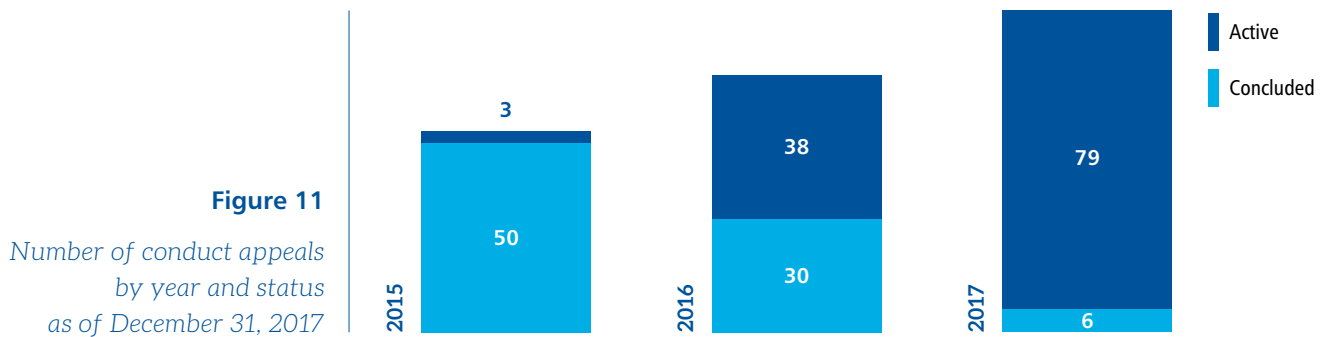
- 16 conduct hearings initiated
- 2 members dismissed

4. Legacy conduct files

Prior to the 2014 legislated reform of the *RCMP Act*, conduct files were referred to as discipline files. By the time the new conduct process was implemented, 135 cases remained outstanding. Consequently, the discipline and conduct systems continued to be serviced and managed in tandem. As of the end of 2017, only 6 legacy files were outstanding compared to last year’s report of 28 files and the previous year’s 89 files.

5. Available appeal process

The *RCMP Act* allows subject members and conduct authorities, who initiated a hearing to dismiss a member from the RCMP—to appeal the final decision rendered at the end of the conduct process. Figure 11 shows a steady increase in the number of appeals since 2015. As of December 31, 2017, the majority of conduct appeals presented that year were active, as were over half of the 2016 appeals and only 3 appeals initiated in 2015 remained active.



A closer look at Figure 12 reveals that the top three types of conduct measures⁹ appealed are the same in 2017 and 2016 although their respective ranking differs. These conduct measures are:

- › financial penalty greater than one day’s pay;
- › remedial/financial penalty up to a maximum of one day’s pay; and
- › suspension.

In 2015, conduct appeals related mostly to the imposition of a forfeiture of annual leave, temporary reassignment or a financial penalty greater than one day’s pay.

⁹ If the appealed decision contains more than one conduct measure, only the most serious measure is used to categorize the type of conduct appeal.

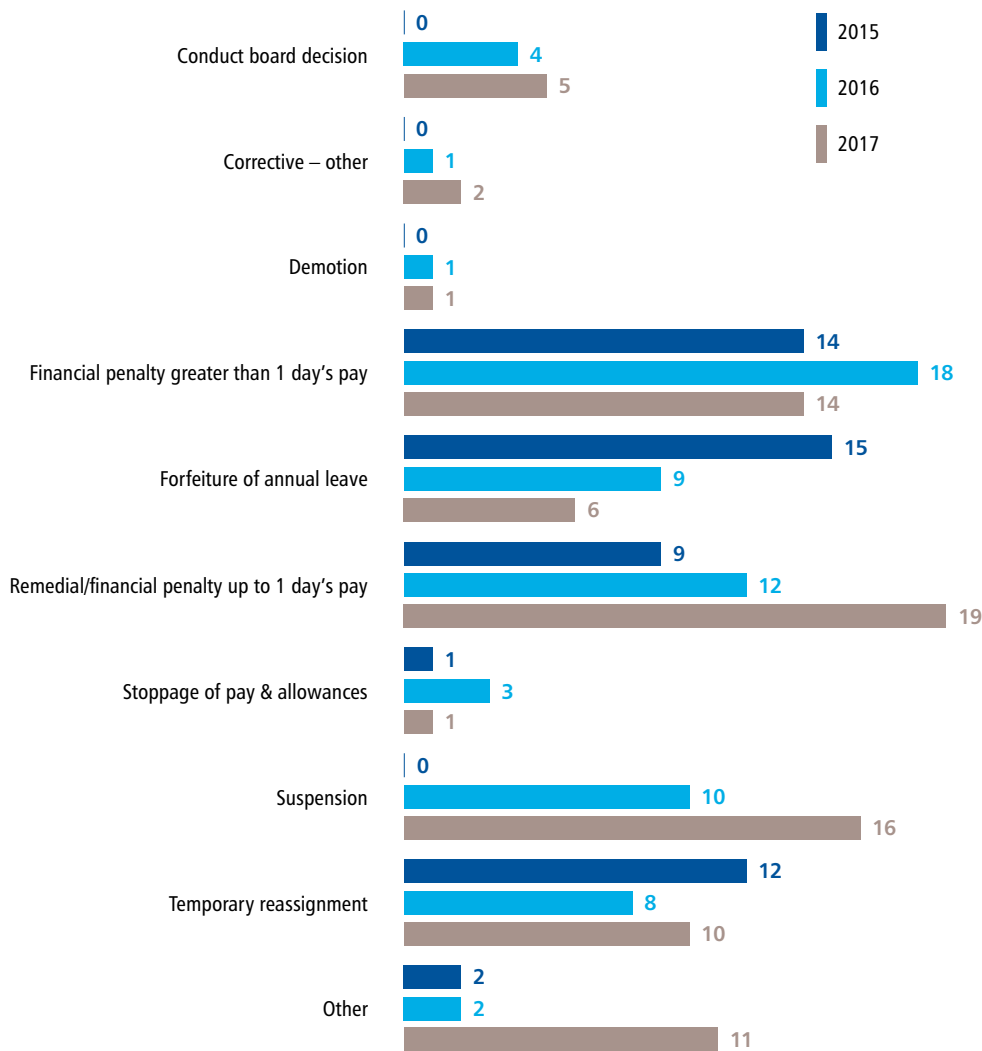


Figure 12
Conduct appeals by type of conduct measures, from 2015 to 2017

When the appealed decision includes one of the following conduct measures:

- › a financial penalty of more than one day's pay;
- › a demotion;
- › a direction to resign;
- › a recommendation for dismissal;
- › a dismissal;

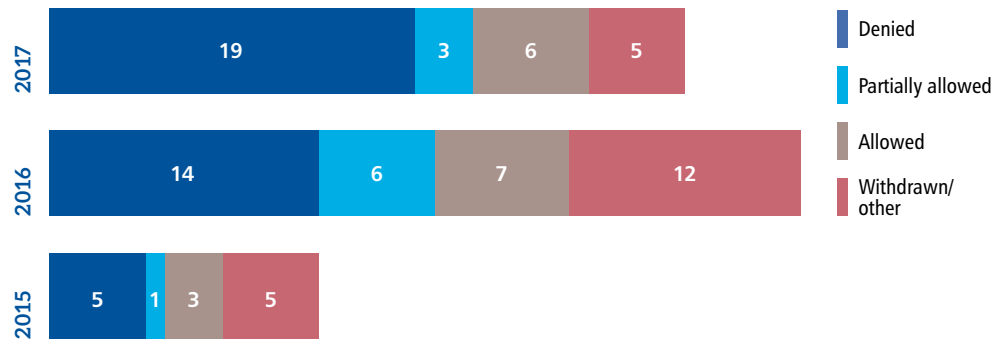
the Commissioner must consider the findings and recommendations issued by the ERC before rendering a final decision. This year, the RCMP referred 21 conduct appeals to the ERC, which is 8 more appeals than in 2016 and 7 more than in 2015. In return, the ERC made a total of 20 findings and recommendations over the last 3 years (6 in 2017; 8 in 2016; 6 in 2015).

The Commissioner agreed with the ERC recommendation in 8 cases (62%), partly agreed in 4 cases (31%) and disagreed in 1 case (8%).

A decision made by the Commissioner, or a delegate, concludes the conduct appeal. Between 2015 and 2017, the RCMP rendered 64 decisions. Figure 13 indicates that in 2017, 19 out of 28 appeals were denied because the subject member or conduct authority who initiated a conduct hearing failed to demonstrate how the conduct decision contravened the principles of procedural fairness, was based on an error of law or was clearly unreasonable. The remaining appeals were partially allowed (3) or allowed (6). Results in 2016 and 2015 are proportionally similar to the ones obtained in 2017.

Figure 13

Number of concluded conduct appeals by outcome, from 2015 to 2017



TRAINING, MONITORING AND WAY FORWARD

The year 2017 focussed on optimizing resources and improving the current conduct process. To meet these goals, the NCMS refined existing training tools based on feedback received from the divisions, created new learning material for RCMP cadets, and developed an updated comprehensive user guide for employees reporting cases of misconduct through the Administration Case Management Tool (ACMT).

Furthermore, the NCMS pursued research initiatives that will contribute to the development of a prevention strategy aimed at addressing member misconduct. Training also took the form of a national communication plan to raise awareness and educate employees on sexual misconduct, harassment, bullying and the importance of maintaining proper behaviour while using social media.

TRAINING COURSES

3,036

employees have completed the Conduct Authority Online Course since 2016, which is mandatory for conduct authorities

200

employees have completed the ACMT Tool Training in the last 3 years

390

regular members have completed the Workplace Responsibility Investigator Course from 2015 to 2017

Cadet training program

new module on ethics, public complaints and the Code of Conduct introduced in 2017

TRAINING TOOLS

Conduct Measures Guide Revision

To ensure that misconduct is addressed in a fair and impartial manner while maintaining accountability to the public, revisions focused on providing: detailed explanations of conduct measures; more guidance; and, a greater variety of types of misconduct with the corresponding appropriate measures.

Updated User Guide for Conduct File Management

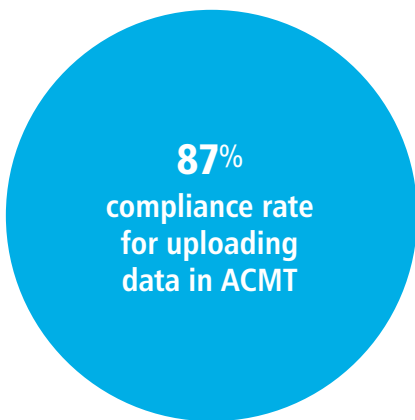
The updated ACMT Tool guide features: corporate knowledge gathered in one document; a user-friendly format with hyperlinks; concise identification of mandatory information required in each file; and reinforcement of the naming conventions.

Conduct Advisor Productivity Tool

An online learning community tool is being considered where conduct advisors from across the RCMP will be able to network with each other and facilitate peer-to-peer learning.

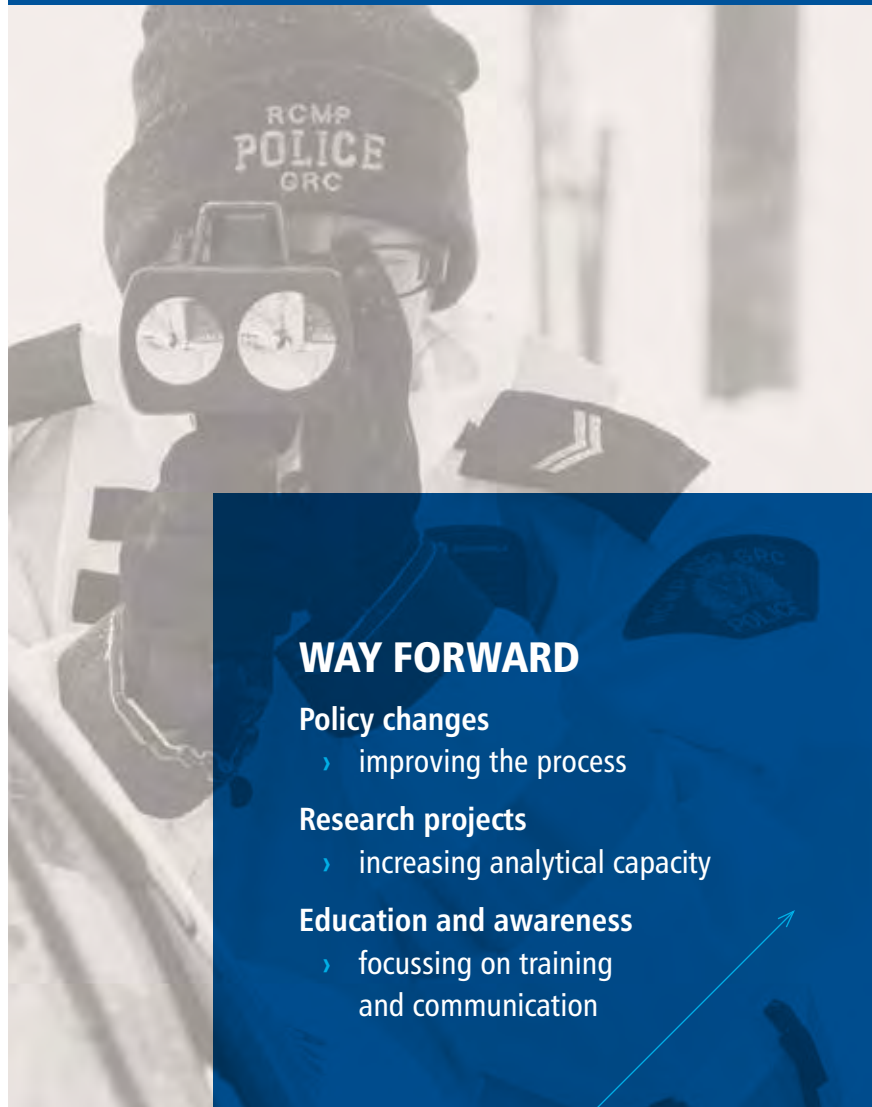
In order to monitor the administration and management of the conduct process, the RCMP uses two systems in tandem: the web-based ACMT interface and the National Administrative Records Management System. As the systems rely on users to input accurate information, monitoring for quality assurance and consistency is paramount. The NCMS reviews files on a quarterly basis and provides feedback to each division. This feedback highlights areas requiring attention in order to make sure that conduct files are processed in accordance to policy and proper process, and that identified deficiencies are corrected. In 2016, a benchmark of 80% compliance rate was set, which was surpassed in 2017 for the first time since the inception of the file review process. However, improvements are still needed: untimely uploads of mandate letters, conduct meeting notices, and suspension and reinstatement orders continued to be an area of concern as it affected the ability of the NCMS to report detailed and accurate statistics to senior management on a monthly basis.

Next year, policy changes are expected to result in providing greater support to subject members and conduct authorities. Recognizing the value of evidence-based research, statistical analyses of conduct trends will be completed to determine if there are strategies or approaches that can be implemented to proactively reduce the occurrence of misconduct throughout the RCMP. Although considerable efforts have been deployed thus far to educate and raise awareness on the conduct process and its management, it is imperative to provide continuous quality training and communication on a national scale.



DID YOU KNOW?

The NCMS hosts an annual 3-day symposium on the progress and effectiveness of the current conduct process, including the investigation and resolution of harassment complaints. NCMS also facilitates a monthly national teleconference for conduct advisors across the RCMP.



WAY FORWARD

Policy changes

- › improving the process

Research projects

- › increasing analytical capacity

Education and awareness

- › focussing on training and communication

PART 3 ›

Investigation and Resolution of Harassment Complaints

The RCMP recognizes the diversity of its workforce. Therefore, it is committed to providing a respectful workplace free of harassment, discrimination and other forms of disrespectful behaviour¹⁰. All RCMP employees have a right to work in a safe environment that makes them feel valued, supported and trusted.

Failing to recognize and address harassment in an effective and timely manner carries serious implications and negatively affects individual well-being, morale, human resources, productivity levels and finances. In 2017, the Federal Court of Canada approved the settlement of two class-action lawsuits against

the RCMP, in which the organization has agreed to compensate female employees of the RCMP who were or had been victims of discrimination based on gender and sexual orientation, intimidation, and harassment in their workplace.

¹⁰ RCMP, *Harassment prevention is everyone's business!*, online: Infoweb <http://infoweb.rcmp-grc.gc.ca/hr-rh/workplace-milieu-de-travail/harassment-harcelement/index-eng.htm>.

THE OFFICE FOR THE COORDINATION OF HARASSMENT COMPLAINTS

The RCMP's Legislative Reform Initiative, completed in November 2014, allowed the organization to create a single process to address all internal harassment complaints, thereby improving the ability of the RCMP to investigate and resolve these types of complaints. To ensure consistency and compliance with the new legislation and policy, the Office for the Coordination of Harassment Complaints (OCHC) functions as the national policy centre and serves as the central intake unit for the investigation and resolution of all harassment complaints. The OCHC provides advice, guidance and recommendations to employees responsible for the administration of the process to resolve harassment complaints within their division and it oversees the management of all harassment complaints from start to finish.

HARASSMENT COMPLAINT PROCESS OVERVIEW

The harassment complaint process consists of seven steps. The process begins when the employee, or his or her representative, submits a harassment complaint to the OCHC within one year of the date of the last behaviour that comprises the harassment allegation leading to the complaint (unless there are exceptional circumstances). The OCHC receives the complaint, conducts an initial review, and informs the divisional harassment advisor of the complaint. The divisional harassment advisor reviews the complaint and provides a briefing to the decision-maker. The designated decision-maker is the person who decides if an investigation is needed and who makes the final decision on the complaint. Informal resolution is offered to both parties of the complaint; for this option to continue, they must both agree to participate. The next step involves investigating the harassment allegations.

Harassment means any improper conduct by an individual that is directed at and is offensive to another individual in the workplace, including at any event or any location related to work, and that the individual knew or ought reasonably to have known would cause offence or harm.

What does harassment include?

- › An objectionable act, comment, or display that demeans, belittles, or causes personal humiliation or embarrassment, and any act of intimidation or threat.
- › Harassment within the meaning of the *Canadian Human Rights Act* (i.e. based on race, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, genetic characteristics, disability and pardoned convictions).

Reference: RCMP National Guidebook – Investigation and Resolution of Harassment Complaints, section 2.8.

DID YOU KNOW?

RCMP members and public service employees working at the RCMP use the same harassment complaint process even though they are subject to different codes of conduct.

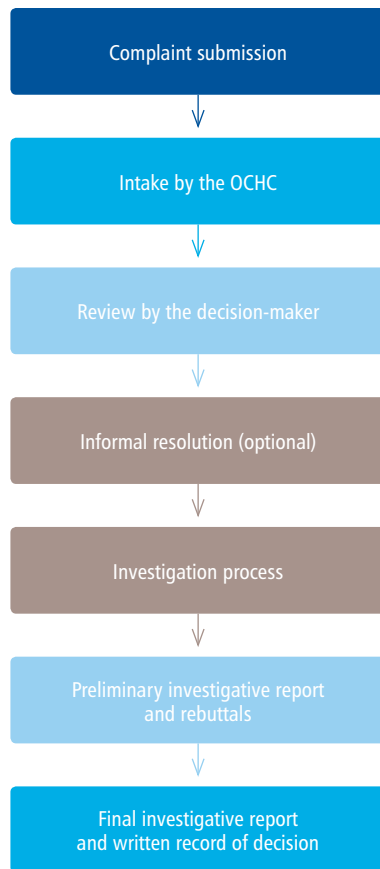


Figure 14
Harassment
complaint process

The decision-maker mandates the investigation but may render a decision without doing so if, in accordance with the *Commissioner’s Standing Orders (Investigation and Resolution of Harassment Complaints)*¹¹, sufficient information is available to make a decision. If an investigation is ordered, the investigator presents a preliminary investigative report to the parties for their rebuttal. This allows the investigator to complete a final investigative report, which includes the preliminary report and rebuttals submitted by the parties. Finally, the decision-maker renders a final written decision and, if the allegations are established, imposes disciplinary measures up to and including dismissal. In the event that the parties of the harassment complaint disagree with the final decision, they have an additional internal recourse mechanism available to them, which is further explained in section 4 “Available recourse and appeal processes”.

The *National Guidebook – Investigation and Resolution of Harassment Complaints Guidebook* explains in detail the entire harassment complaint process, including what is harassment and the roles, responsibilities and expectations of those taking part in the process, as well as of those managing it. The Guidebook is designed to serve as a complete guide and reference handbook; it is readily available to all RCMP employees through the RCMP internal website.

¹¹ *Commissioner’s Standing Orders (Investigation and Resolution of Harassment Complaints)*, SOR/2014-290.



STATISTICAL RESULTS IN 2017

1. Number and types of harassment complaints submitted

Since the revisions to the *RCMP Act*, the number of harassment complaints has increased each year. From 2004 to 2015, the average number of complaints has been 152 per year. Figure 15 indicates that the OCHC received 296 harassment complaints in 2017, which represents an increase of 22% from 2016. The rise in number can be attributed in part to a greater awareness of harassment and the effort of the RCMP to recognize its presence in the workplace, as well as the steps taken to address it. As such:

- › over the past few years, the media has reported extensively on harassment cases;
- › the RCMP publicly committed to pursue its ongoing efforts to eliminate discrimination and harassment in the workplace;
- › a new and more transparent harassment complaint process was implemented, making it more accessible for employees to come forward and submit a complaint; and
- › rights and responsibilities in relation to a safe and healthy workplace are better communicated through various media used in the RCMP, and training is offered to RCMP employees at all levels; but
- › currently, all files received at the intake point are not screened to ensure they meet the criteria of harassment.

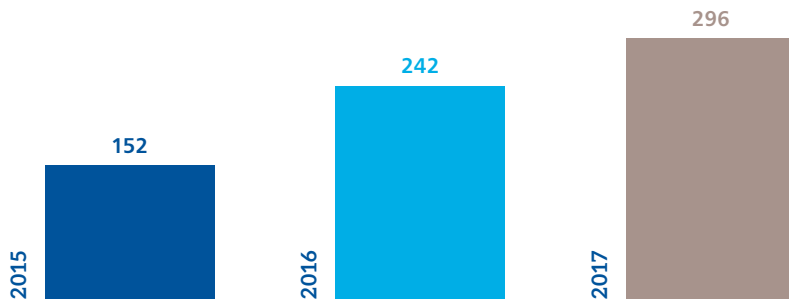


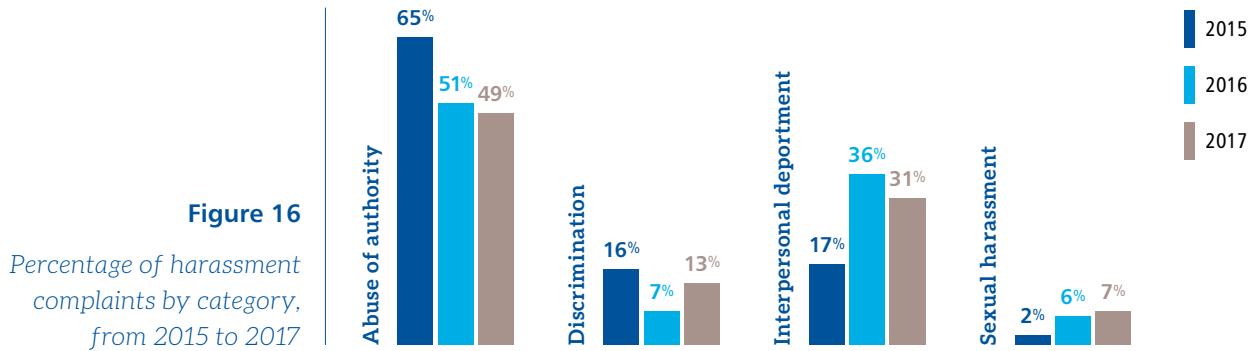
Figure 15
Number of harassment complaints, from 2015 to 2017



ISSUE OF INTEREST

In 2017, 23% of complainants submitted two or more harassment complaints, which represent 48% of all harassment complaints presented that year. The results are very similar to those obtained in 2016 (25% of complainants; 48% harassment complaints).

The OCHC captures harassment complaints under four distinct categories: abuse of authority, discrimination, interpersonal department, and sexual harassment. Abuse of authority constitutes the majority of harassment complaints as illustrated in Figure 16, even though it has decreased over the last 3 years. While the abuse of authority category is still the most important one since 2015, it has significantly decreased in 2017 to give rise to more complaints where the interpersonal department is alleged.



2. Complainants

Figure 17
Number of complaints by category of employees, from 2015 to 2017

Complaints by category of employees	Complainant vs Respondent	2015	2016	2017
Regular members (RM)	RM vs RM	109	160	211
	RM vs CM	1	7	2
	RM vs PSE	6	8	7
	RM vs Other	3	1	3
Civilian members (CM)	CM vs RM	5	9	6
	CM vs CM	4	19	12
	CM vs PSE	0	1	3
Public service employees (PSE)	PSE vs RM	11	10	24
	PSE vs CM	1	2	2
	PSE vs PSE	11	14	14
	PSE vs Other	0	0	1
Municipal employees (ME)	ME vs RM	0	8	1
	ME vs PSE	0	3	0
Other (contract employees)	Other vs RM	1	0	10
TOTAL		152	242	296



In the RCMP harassment complaint process, an employee who submits a complaint is known as a complainant, while the respondent is the employee identified as the alleged harasser. Based on Figure 17, in 2017, regular member complaints represented three-quarters (223) of all harassment complaints and 95% (211) of those complaints involve another regular member. This result is consistent with previous years and corresponds with expectations that regular members submit more harassment complaints than any other category of employee, given the fact that two thirds of the RCMP workforce consists of regular members.

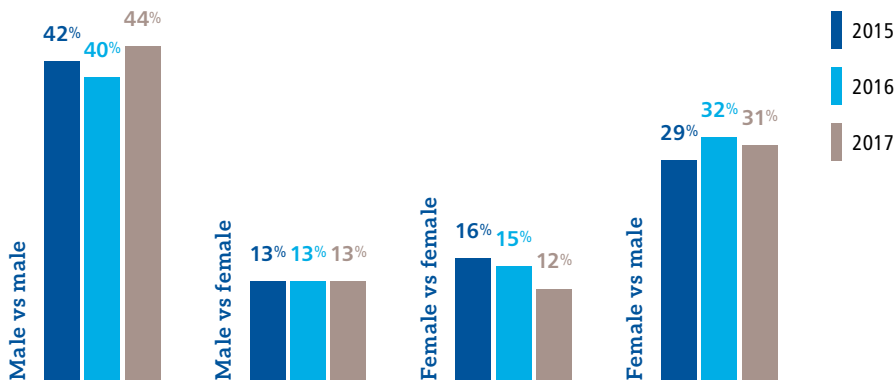


Figure 18
Percentage of harassment complaints by gender, from 2015 to 2017

As for the gender of complainants and respondents, Figure 18 indicates that there is no significant variance between the 2017 results and the previous years: male employees continue to submit more harassment complaints than female employees, while male employees are identified as the alleged harasser more frequently than female employees. Again, these results are as expected when one considers the following facts:

- › men account for approximately 80% of the regular member population; and
- › 75% of harassment complaints are submitted by regular members.

Overall, male employees presented approximately 57% of all harassment complaints compared to nearly 43% of female employees in 2017. This represents an increase from previous years.

3. Harassment complaint outcomes

Once an RCMP employee submits a harassment complaint, the OCHC has 21 days to review the submission, ensure it is complete and send it to the decision-maker, who may initiate the investigation and resolution process steps before rendering a final decision. Since the introduction of the new harassment complaint process, the RCMP has concluded 402 out of the 690 harassment complaints and the results of concluded complaints are similar from 2015 to 2017.

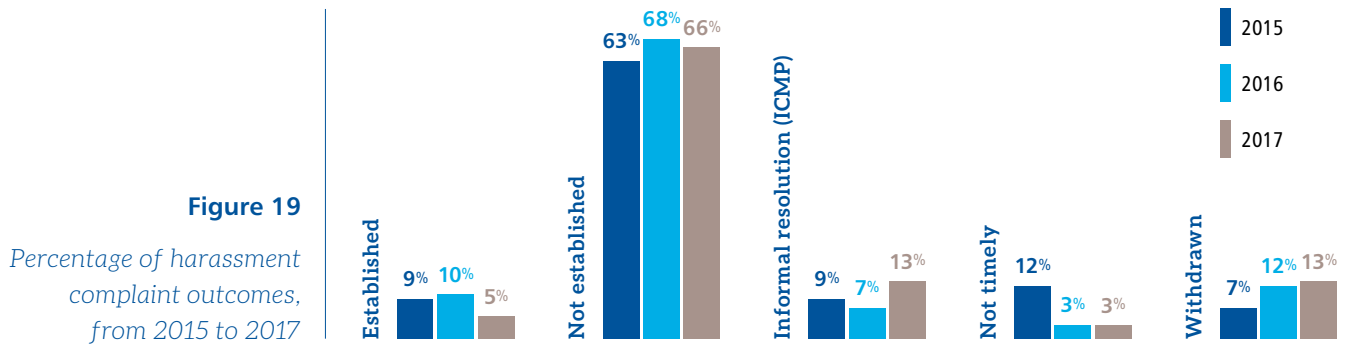
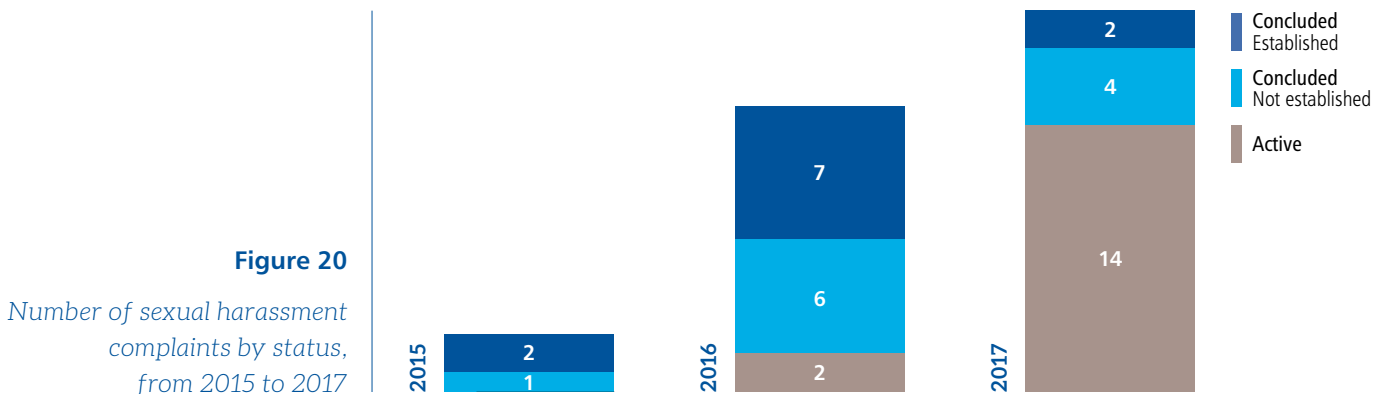


Figure 19 reveals that harassment allegations were not established in two thirds of the concluded complaints in 2017. In 16% of complaints, the complainant either withdrew the allegation or submitted the complaint outside the one-year time limit. Complainants and respondents were able to reach an informal resolution in 13% of all the complaints through the use of the RCMP Informal Conflict Management Program, where the parties have an opportunity to reach an agreement at any stage of the process before the decision-maker renders a final decision on the allegations. Finally, the decision-maker concluded that the allegations were established in 5% of the complaints.

When looking at the results for founded harassment complaints, it is important to note that all complaints are accepted by the OCHC whether or not they meet the definition of harassment, and the decision-maker is the only person authorized to make a decision on the matter. As such, a greater number of complaints are received and more investigations are completed under the new harassment complaint process, but the result is a lower rate of established allegations than what was seen in the previous process.



Sexual harassment complaints are serious in nature. Complainants who engage in the process provide clear evidence, which is used by the decision-maker to make a finding of an established allegation of harassment. In 2017, 6 sexual harassment complaints were concluded of which 2 were founded. An average of 50% (11 in 22) of concluded sexual harassment complaints have been established in the last 3 years.

4. Available recourse and appeal processes

After the harassment complaint process is concluded, the complainant may request a review of the final written decision by presenting an appeal (available to members only) or a grievance (available to public service employees only). A member complainant may appeal the decision under Part 3 of the *Commissioner’s Standing Orders (Grievances and Appeals)*¹².

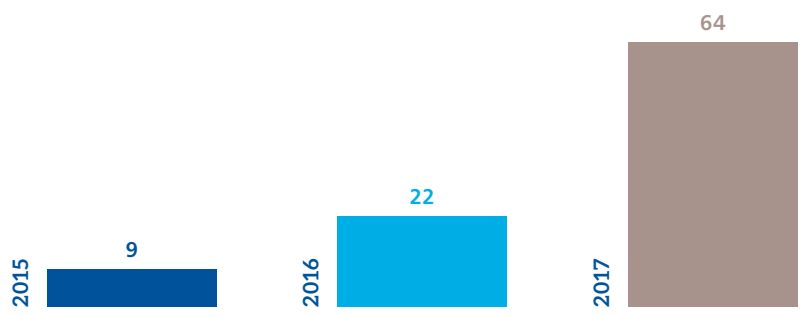


Figure 21
Number of harassment appeals, from 2015 to 2017

From 2015 to 2017, a total of 95 harassment appeals were presented to the Office for the Coordination of Grievances and Appeals (Figure 21).

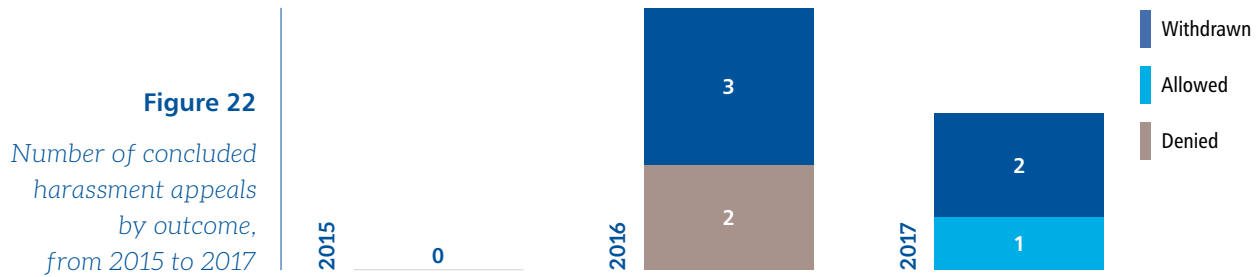
When comparing the total number of harassment appeals (95) with the total number of concluded harassment complaints (327), 29% of complaints have been appealed by member complainants between 2015 and 2017.

APPEALS AND SEXUAL HARASSMENT

There were 3 appeals on sexual harassment complaint decisions, which represents 3% of all harassment appeals.

¹² Commissioner’s Standing Orders (Grievances and Appeals), SOR/2014-289, paragraph 37(a)

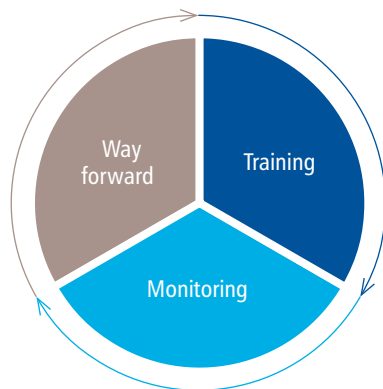
The *Royal Canadian Mounted Police Regulations, 2014*¹³, requires that the ERC review all harassment appeals by complainants. Between 2015 and 2017, the RCMP referred to the ERC 60 harassment appeals. The ERC reviewed and issued findings and recommendations for 4 cases, including 2 appeals in which the ERC determined that it lacked jurisdiction. The RCMP adopted both ERC recommendations to dismiss the 2 appeals. Since 2015, as illustrated in Figure 22, 8 harassment appeals have been concluded: 5 were withdrawn, 2 were denied and 1 appeal was allowed.



TRAINING, MONITORING AND WAY FORWARD

In 2017, the OCHC continued to deliver the Harassment Investigator’s Course, thus training 221 RCMP employees to investigate harassment complaints. The 5-day in-class course provides participants with information on the policy and process for dealing with harassment complaints, as well as hands-on experience in the investigative process through the use of scenario-based training exercises. In a survey, participants indicated a high level of satisfaction with the course and felt

confident in their ability to perform their investigative duties in compliance with the rules and regulations set in legislation and policy. The RCMP is fully committed in its efforts to address harassment. To undertake the rising number of harassment complaints, the RCMP increased its capacity to investigate complaints in 2017 by training additional resources in divisions to teach the course and train new harassment investigators as the need arises.



For quality assurance purposes, the OCHC attended these training sessions, provided lectures and acted as an observer to ensure compliance with the National Course Training Standard. In addition to overseeing the training, the national policy centre continued to monitor the administration and management of the harassment complaint process through the use of the web-based ACMT system. Although compliance with inputting information related to the harassment complaint in the system presented some deficiencies in the divisions, the OCHC remains diligent in tracking how the system is used and in ensuring the completeness of the information so that it meets its reporting obligation on a timely basis.

¹³ *Royal Canadian Mounted Police Regulations, 2014, SOR/2014-281, paragraph 17(a)*

In 2016, the focus was on compliance and quality assurance, which provided useful information on identifying where and how to improve the harassment complaint process. Building on the 2017 success of its training program, the establishment of more effective working relationships with the divisions and completing groundwork for new initiatives, the RCMP is looking ahead and finding ways to meet the needs of employees using the harassment complaint process as well as those managing it for a better resolution of harassment complaints. The OCHC is working with the divisions to help them understand and apply policy correctly. The RCMP will continue to promote and educate its employees on the existence and benefits of the Informal Conflict Management Program. It will also look into how it can help employees before submitting a complaint and at any given time during the harassment complaint process. In 2018, a new harassment booklet will be released to the divisions. Using a short and user-friendly format, it highlights the “need-to-know essentials”, thereby increasing information accessibility. The RCMP listened to and carefully considered external recommendations made on harassment in the RCMP and its complaint process. Accordingly, the RCMP is developing new options to help improve the harassment complaint process.



WAY FORWARD

Greater collaboration between the OCHC and divisions

- › enhancing communication

Resolution techniques

- › being proactive

Harassment booklet

- › increasing accessibility

External recommendations

- › studying options

PART 4 ›

Concluding Remarks

The 2008 ministerial directive requires that the RCMP report on the management of its conduct process. Accordingly, this report provides an account of how conduct and harassment complaint cases are administered using statistical data. In addition, it explains the measures taken by the RCMP to inform its employees of the requirements and procedures related to the conduct process.

The results published in the *2017 Annual Report on the Management of the RCMP Conduct Process* show an increase in the number of alleged contraventions of the Code of Conduct and harassment complaints. Despite this fact, these findings also indicate that managers and employees are better educated in recognizing and reporting misbehaviour thereby allowing the RCMP to effectively address misconduct through its legislated processes and incorporate remedial, corrective and educative solutions when appropriate.

The RCMP recognizes the importance of completing and resolving dismissal cases and appeals in a timely manner; these instances are assigned the highest priorities given their seriousness. Failure to do so can affect how employees and Canadians perceive the organization's ability to address misconduct, which is why the RCMP works actively to increase its processing and decision-making capacities. As an organization, the RCMP answers to the Minister of Public Safety, the general public and RCMP employees. Accountability is essential for the RCMP to successfully carry out its mandate.

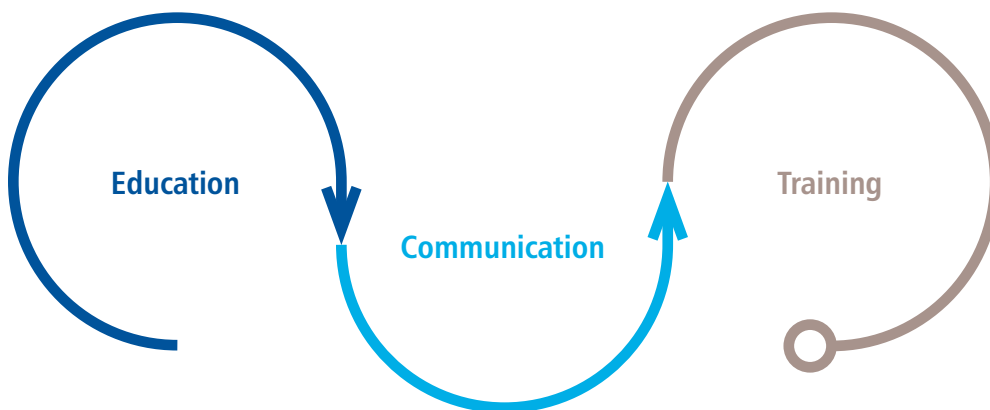


Next year, an evaluation and an audit will assess the effectiveness of PRS activities and outcomes. The evaluation will focus on the extent to which the Legislative Reform Initiative completed in November 2014 has modernized human resources management processes in the areas of conduct, investigation and resolution of harassment complaints, as well as grievances and appeals. The audit will centre on the values and ethics management control framework with the objective to assess governance, roles and responsibilities, as well as, the reporting and monitoring related to values and ethics Force-wide. The framework is part of the Professional Ethics Strategic Plan, which aims to align and coordinate RCMP activities related to values and ethics to support the Government of Canada’s commitment towards an accountable and ethical organization.

Education through communication and training is one of the most notable successes achieved in 2017 under the guidance of PRS. As the RCMP furthers its efforts to provide a respectful work environment, it is critical to clearly explain what constitutes misconduct, how to report it, what the RCMP is doing to address it and the consequences brought on to those engaging in such behaviour. Consequently, resources were dedicated to:

- › improve existing training tools and create new ones;
- › oversee evidence-based research to develop future learning products; and,
- › provide employees at all levels and areas of the RCMP with easy access to these tools and information.

By adopting a proactive and educative approach on ethical and conduct issues, the RCMP has strengthened its position to effectively address misconduct and promote professional responsibilities. The RCMP will continue to do so in 2018.



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