

Police re-investigate workplace abuse claims

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Police in Ontario have reopened their investigation into allegations of violence among workers at the City of Mississauga's transportation and public works department.

On March 30, the Peel Regional Police first investigated allegations after receiving a call complaining of "hazing and some inappropriate behaviour," reports police spokesman Constable Wayne Patterson. "Our officers looked into that and found that there was no criminal element to the call," he says, explaining that the investigation was reopened after a video surfaced on June 2 that captured the questionable antics on tape. "We're in the process of interviewing everyone who was in the video and who works in that department," says Patterson.

The City of Mississauga's manager and chief administrative officer, Janice Baker, reports that upon first hearing allegations of inappropriate behaviour in November of 2009, the city took action by commissioning their own independent investigation into the matter in addition to the investigations undertaken by the police and Ministry of Labour (MoL).

The MoL's probe has since been concluded, says spokesman Matt Blajer. "The investigators found that the workplace's health and safety procedures had been put in place and that the employer had trained staff in the policies," he says. "They'd taken a great number of steps to ensure a safe work environment."

The city's investigative report, conducted by Waterloo, Ontario-based conflict resolution firm Benard + Associates, reveals that the complaints concerned activities including:

- two workers being duct-taped face to face and rolling around on a large table in a sign shop while being hit with water balloons;
- an employee being bound with duct tape and then sent on a truck through a wash bay; and,
- employees being hit, kicked and punched while bent over a table on their birthdays (coworkers were also allegedly told to "hit hard and to kick or punch in the face, ribs or groin area.")

"The City of Mississauga is disgusted and appalled at what appears in the video," Baker says in a statement released after the video's appearance in the media.

Pranks and hazing were good-natured: witnesses

Benard + Associates' investigation report acknowledges that while pranks and hazing did occur in the workplace, these behaviours were in good nature and voluntary. Still, the report concludes that there had been a violation of the city's corporate policy on workplace respect. "The respondent violated the policy by allowing and participating in practical jokes, hazing rituals and other inappropriate behaviours in the workplace," it notes.

The city's statement reveals that it responded to the allegations by issuing a stern warning to employees that any recurrence of the offensive behaviour would result in dismissal and by providing refresher training on the city's "Respectful Workplace" policy.

While the City of Mississauga is among the organizations with existing infrastructure to protect workers from violence and harassment, all Ontario workplaces will be required to implement such policies on June 15, when Bill 168 becomes law.

"The new legislation for the first time codifies what is meant by workplace violence and harassment, and places employers under a statutory duty to have systems in place that permit employees to understand when to recognize harassment and how they are supposed to report instances of harassment to management, and how management is going to respond," explains Bruce McMeekin, a partner with Miller Thomson LLP in Markham, Ontario.

The law is currently silent on matters of harassment that do not relate to prohibited grounds such as race, sex and sexual orientation, explains Christine Thomlinson, a partner with Toronto law firm Rubin Thomlinson LLP.

"This is where a little bit of a gap in the law exists," she says. "Typically, what we look at in terms of available options is what internal process may exist, and that's really where occupational health and safety legislation is stepping in to say, 'we want to make sure every employer has an internal process and is committed to addressing these things, and has a program for addressing them so that those programs will be more robust.'

Patterson says that it is currently unknown as to when the Peel Regional Police's investigation into the situation will conclude. "We're well underway and we're getting cooperation from everyone, but with scheduling and whatnot we just haven't been able to interview everybody about that yet," he notes.