



# SCUGOG MEMORIAL PUBLIC LIBRARY

<b>POLICY TYPE / NUMBER:</b>	<b>BOARD B15</b>		
<b>POLICY TITLE:</b>	<b>Prevention of Workplace Harassment</b>		
<b>AUTHORITY / CREATED:</b>	<b>Board</b>	<b>September 22, 2010</b>	<b>Revised: Nov. 23, 2023</b>

## Policy Statement

The Scugog Memorial Public Library is committed to providing a safe and secure workplace for its employees, free from harassment. The Library considers workplace harassment to be serious misconduct and will not tolerate any form of vexatious comment or conduct that is known or reasonably ought to be known as unwelcome, and includes for the purposes of the program, unwanted, unsolicited actions, behaviours, remarks or communications in any form directed toward an individual or group including but not limited to any of the prohibited grounds of workplace or employment harassment in the Ontario Human Rights Code. All reports of incidents will be taken seriously and dealt with appropriately. Employees who are found to have engaged in such conduct shall be subject to disciplinary action. Members of the public who are found to have engaged in such conduct shall be subject to suspension of library privileges, including being barred from entering the library for a period of time established by the CEO.

All library employees have a responsibility to respect their co-workers and the public they serve. The CEO and Manager of Public Services have additional responsibilities and are obligated to: discourage harassment in the workplace; to take reasonable steps to prevent it; and to take appropriate corrective action to deal with workplace harassment if and when it occurs.

## Purpose

The purpose of the Workplace Harassment Policy/Program is to:

1. To demonstrate and promote the Library's commitment to providing a workplace that ensures employee safety and security;
2. To prevent or lower the probability of harassment to library employees in the workplace;

3. To respond swiftly and appropriately to reports of harassment or observed incidents of harassment;
4. To provide an impartial and efficient investigation procedure;
5. To ensure that all incidents are dealt with confidentially and objectively and that the rights and dignity of all parties are respected;
6. To provide all employees of Library, including the CEO and Manager of Public Services, with fair and consistent procedures for preventing and dealing with workplace harassment.

### **Complementary Documents**

The workplace harassment program outlined in this document shall meet or exceed the requirements as specified in the Bill 168 (June, 2010) amendments to Ontario's **Occupational Health and Safety Act (OHSA)** and will be reviewed and revised subsequent to any future changes to the OHSA.

Some prohibited grounds of workplace or employment harassment are also addressed in the **Ontario Human Rights Code**.

The **Scugog Memorial Public Library Code of Conduct** and **Internet Usage Policy** are made available to library users in the public areas of the library and outline unacceptable behaviours and consequences which may be considered workplace harassment when directed toward library employees.

### **Application of Program**

This harassment in the workplace program applies to all employees of the library, as well as volunteers, co-op placements, students, agents of the library, consultants, contractors and Board in dealings with employees, volunteers, co-op placements, students, agents, consultants, contractors and Board of the Library. Members of the public, visitors to the library or individuals conducting business with the Library are expected to adhere to the Program, including refraining from committing acts of harassment against employees, volunteers, members of the library board, or persons acting on behalf of the library. If such harassment occurs, the library will take any steps available to ensure a harassment-free workplace, including barring the individual who is the subject of a report from its facility, where appropriate, or discontinuing business with that individual.

### **Definitions:**

**Workplace Harassment** means:

- a) engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome;
- b) Workplace sexual harassment

It may include unwelcome, unwanted, offensive, or objectionable conduct that may have the effect of creating an intimidating, hostile or offensive work environment (e.g. bullying, workplace aggression,); interfering with an individual's work performance; adversely affecting an individual's employment relationship; and/or denying an individual dignity and respect (e.g. rumours, swearing, insults, condescending language.) Harassment may result from one incident or a series of incidents. It may be directed at specific individuals or groups.

The **Ontario Human Rights Code** prohibits harassment in the workplace based on personal attributes, called grounds. The grounds are: race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status or disability.

**Bullying or Psychological/Personal Harassment** may or may not involve a breach of the Human Rights legislation, but it is strictly prohibited. Common characteristics are that it is generally repetitive, although a single instance may constitute harassment if it undermines the recipient and has a lasting harmful effect; it is hostile, abusive; it affects the person's dignity or psychological integrity and results in a poisoned work environment. Some examples:

- ◇ Verbal abuse such as yelling, insults, name-calling
- ◇ Excessive and unjustified criticism and constant scrutiny
- ◇ Spreading malicious rumours
- ◇ Deliberately setting impossible goals and deadlines
- ◇ Sabotaging someone else's work
- ◇ Making false allegations about someone
- ◇ Less well known aspects of bullying such as social isolation (silent treatment), excluding or ignoring someone, withholding information

**Poisoned Work Environment** - Even in circumstances where no one is being directly targeted, unpleasant and offensive comments or conduct can poison the work environment, making it a hostile or uncomfortable place in which to work. This is also a form of harassment. Some examples of actions that contribute to this include:

- ◇ Displaying offensive or sexual materials such as pictures, websites, screensavers
- ◇ Distributing offensive email messages or attachments
- ◇ Practical jokes that embarrass or insult someone
- ◇ Jokes or insults which are offensive or discriminatory
- ◇ Talking about others maliciously (e.g., rumours or one-way perspectives that are meant to align others for or against each other or targets)

**Sexual Harassment** means:

- a) Engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome;
- b) Making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that solicitation or advance is unwelcome.

**Sexual Harassment** is any unsolicited conduct, display, comment, or physical contact of a sexual nature that is unwelcome by the recipient. It includes, but is not limited to, any unwelcome sexual advances (verbal, written or physical); requests for sexual favours; sexual and sexist jokes or innuendos; sexually explicit gifts or displays; homophobic, transphobic, or sexist slurs; unwelcome remarks, jokes, taunts or suggestions about a person's body, actions or attire; leering, suggestive staring, or gestures; unnecessary physical contact such as patting, touching, pinching or hitting; displays of degrading, sexually explicit, offensive or derogatory material such as graffiti, materials, pictures or computer images; physical or sexual assault.

In a broader sense, sexual harassment includes unequal treatment based on gender that demeans or humiliates the recipient. The Ontario Human Rights Code states that every person has a right to freedom from harassment because of sex by his or her employer or agent of the employer or by another employee.

**Discrimination** is the denial or withholding of equal treatment and opportunity to individuals or groups with respect to employment (including hiring, compensation, promotions, terminations and other conditions of employment) based on race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status or disability, subject to exceptions permitted by the Human Rights Code. It is not discriminatory, for purposes of this policy, to make employment decisions based on individual qualifications, merit and performance that are unrelated to protected grounds.

It is not discrimination to require a clear Criminal Reference check including Vulnerable Sector screening when the job requires employees to have unsupervised contact with vulnerable individuals. See also Policy on Police Record Check / Criminal Reference Check.

## **Procedure in Event of Harassment**

### **Complainant**

Immediately make it clear to the offender that his/her behaviour or language is not welcome.

If uncomfortable approaching the offender directly, the complainant may seek the assistance of his/her supervisor and his/her Union Representative.

File a written complaint with the Library CEO including a record of dates, times, the nature of the behaviour or language and witness if any.

In the case of a complaint against the Library CEO, that complainant will file the written complaint to the Chair of the Library Board. The Library Board Chair will have the investigation and report completed by an impartial third-party at the Library Board's expense. The Library Board, the worker, and the CEO will be informed in writing of the results of the investigation and any corrective actions taken or to be taken.

### **Alleged Offender**

The Library CEO will inform the alleged offender and ask for a written reply including a record of dates, times, the nature of the behaviour or language and witnesses if any.

### **Investigation**

The Library CEO will initiate the investigation by interviewing both parties without delay. The Library CEO will document the situation accurately and completely and the worker and alleged harasser (if the alleged harasser is another worker in the same workplace) will be informed in writing of the results of the investigation and any corrective actions taken or to be taken.

### **Remedial Action**

If there is no satisfactory evidence of harassment, no record of the complaint will be kept in any person's file and both parties will be informed in writing of this effect.

If an offense is confirmed and action is recommended, action shall be taken without delay.

The Library CEO will impose sanctions on the offender with an understanding of the seriousness of the misconduct and follow the general principles of corrective discipline.

Records will be filed in the individual personnel files of the complainant and the offender.

### **Employee Right to Redress**

This program does not remove an employee's right to redress through the procedures established by the Human Rights Code. This policy does not remove any employee's rights under the Collective Agreement.

### **Responsibilities of Employees**

Employees have a duty under the Occupational Health and Safety Act to report workplace harassment promptly in order to protect themselves and their colleagues.

All employees shall:

- Comply with this program
- Report any signs of harassment directed at them or at any other employee of the library to the Library CEO or Manager of Public Services
- Co-operate fully in any fact gathering interviews which are designed to assess harassment in the workplace and keep all information concerning the matter confidential to the fullest extent possible.
- Ensure any investigation remains confidential.

### **Responsibility of Supervisors:**

Supervisors shall:

- Take all reasonable measures to prevent harassment in the workplace.
- Develop and maintain a **Workplace Harassment Prevention Program (Appendix B)**
- Ensure that all employees are aware of the contents of this zero-tolerance for harassment policy and their role in helping to prevent workplace harassment.
- Support this program and not ignore workplace harassment in order to let their staff know that they take the issue of workplace violence seriously
- Promote enrolment in training courses in these areas that are available to employees
- Immediately report to the Library CEO any suspected incidents of workplace harassment
- Assist the Library CEO in providing general training for employees in workplace harassment
- Cooperate with the investigation of any complaints of harassment and be a member of the investigating team if required.
- Supervisors must consult with the Library CEO prior to disclosing any information relating to an informal action, a formal complaint, its investigation and or resolution to anyone.

### **Reporting Process**

#### **Obligation to Report:**

- An employee must report a situation that he/she feels is workplace harassment. A report may be made by the actual victim of harassment, by a co-worker who witnessed the incident or by a third party reporting on behalf of the victims
- Employees who, with good intentions, provide information about behaviour or actions which they perceive as harassment will not be subject to disciplinary or other form of reprisal if their perceptions are not substantiated. However, if it is learned that an employee intentionally made a false report or provided false information regarding the report, disciplinary action may be taken.

#### **How to make a report:**

- A report should be made as soon as possible after the relevant action or behavior occurred.
- An employee may choose to make a verbal report, however, it is in the best interest of all concerned to provide a written report, using the **Workplace Harassment Complaint Form (Appendix B)** which should contain a brief account of the incident, time, persons involved. The report should be signed and dated.
- The report should be submitted to the Library CEO.

### **Investigation**

- The Library CEO shall ensure that the incident is investigated promptly and fairly in a discreet and confidential manner.
- As soon as reasonably practical, the CEO shall initiate the investigation by meeting with the individual who made the report. The CEO shall confirm receipt of the report, clarify details and apprise the individual of the steps that will be taken.
- An employee who is the subject of the report and who refuses to discuss or cooperate with interventions to assess, may, if information is uncovered through fact-finding to establish a reasonable possibility of risk be suspended without pay and benefits until he/she agrees to cooperate and provides proof of cooperation. Refusal to cooperate may result in dismissal.
- Depending on the circumstances, the Library CEO may determine it is appropriate to physically and operationally separate the employees (if two employees involved) during the investigation.
- Depending on the circumstances, the Library CEO may determine it is appropriate to bar a member of the public from entrance into the library facility (if the harasser is a member of the public) for the duration of the investigation.

### **Discipline**

- Actions that warrant consideration may include changes to physical work space, changes to work schedules, changes to procedures, withdrawal of services, and the use of appropriate court orders.
- Employees found to be at risk of engaging in harassment or who have engaged in harassment may be subject to discipline up to and including suspension and/or dismissal if warranted.
- Members of the public found to be at risk of engaging in harassment of library employees or volunteers may be subject to being barred from entering the library's facilities for a period of time to be determined by the Library CEO.
- The appropriate disciplinary action imposed, if any shall be determined by the Library CEO.

Contact Person: Board Chair, Chief Executive Officer  
Cross Manual Reference: Admin  
Relevant Forms: Appendix A: Workplace Harassment Prevention Program;  
Appendix B: Workplace Harassment Complaint Form  
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Approved by: