



Otonabee – South Monaghan Public Library

Policy Type: **Human Resources**

Policy Number: **HR-07**

Policy Title: **Workplace Harassment and Discrimination**

Initial Policy Approval Date: **2010**

Last Review/Revision Date: **Oct. 2023**

Year of Next Review: **Oct. 2024**

Chair Signature: _____ Date: _____

The Library Board recognizes the dignity and worth of every person and is committed to providing a workplace free from discrimination and harassment and ensuring that any complaint is resolved quickly and with fairness and confidentiality.

This policy applies to all employees, Board members, and volunteers and all are expected to uphold this policy. Workplace discrimination or workplace harassment will not be tolerated from any person in the library including members of the Board, supervisors, co-workers, volunteers, family members, patrons, and members of the public.

Section 1: Definitions

1. The **Occupational Health and Safety Act** (OHSA) defines “workplace harassment” and “workplace sexual harassment” as follows:

- a) “Workplace harassment” means,
 - i. engaging in a course of vexatious comment or conduct against a worker (paid or unpaid) in a workplace that is known or ought reasonably to be known to be unwelcome, or
 - ii. workplace sexual harassment
- b) “Workplace sexual harassment” means,
 - i. 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, or
 - ii. 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 the solicitation or advance is unwelcome

2. The **Ontario Human Rights Code** states that “Every person has a right to equal treatment with respect to employment without discrimination because of race, ancestry, place of origin, colour, ethnic origin, creed, sex orientation, gender identity, gender expression, age, record of offences, marital status, family status or disability”. Humans Rights Code, R.S.O. 1990 chapter H.19 s. 5 (1).

- a) Within this context, discrimination may include abuse of authority or position of power as follows:

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- I. to endanger an employee's job
- II. to undermine the performance of that job
- III. to threaten the economic livelihood of an employee
- IV. to interfere with or influence the career of an employee in any way

Section 2: Workplace Harassment

1. Within the **Ontario Human Rights Code**, every person who is an employee has a right to freedom from harassment in the workplace by the employer or agent of the employer or by another employee.
2. The Ontario **Employment Standards Act** (ESA) prohibits employers, and anyone acting on their behalf, from harassing or penalizing an employee in any way because the employee asks the employer to comply with the ESA or asks the employer about employee rights under the ESA.
3. Harassment may include:
 - a) making remarks, joke or innuendos that demean, ridicule, intimidate, or offend
 - b) displaying or circulating offensive pictures or materials in print or electronic form
 - c) bullying
 - d) repeated offensive or intimidating telephone calls or e-mails
 - e) inappropriate sexual advances, suggestions, or requests
4. A reasonable action taken by an employer or supervisor relating to the management and direction of workers or the workplace, within the conditions of the **Occupational Health and Safety Act**, is not workplace harassment.

Section 3: Responsibilities

1. One of the primary purposes of the **Occupational Health and Safety Act** is to facilitate a strong Internal Responsibility System. This means that everyone has a role to play in keeping workplaces safe and healthy. Workers who see a health and safety problem such as a hazard or contravention of the Act in the workplace have a duty to report the situation to the employer or a supervisor. Employers and supervisors are, in turn, required to address those situations.
2. Management will investigate and deal with all complaints or incidents of workplace harassment in a fair, respectful, and timely manner. Information provided about an incident or about a complaint will not be disclosed except as necessary to protect workers, to investigate the complaint or incident, to take corrective action or as otherwise required by law.
3. Managers, supervisors, and workers are expected to adhere to this policy and will be held responsible by the employer for not following it.
4. Workers are not to be penalized or disciplined for reporting an incident or for participating in an investigation involving workplace harassment.
5. The CEO will develop and maintain a workplace discrimination and harassment program in consultation with the joint health and safety committee which will set out:

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- a) the process for dealing with and investigating complaints including how parties involved will be made aware of outcomes and corrective action and how confidentiality will be maintained
 - b) procedures for reporting incidents of workplace discrimination and workplace harassment including measures for reporting incidents to an outside source if necessary
 - c) a formalized training program and the system for maintaining all associated records should an inspection by the Ministry of Labour or employee inquiries occur. See **Appendix A of this policy** for a copy of current program
6. This policy (HR-07) and the Workplace Discrimination and Harassment Program (HR-07-Appendix A) will be:
- a) reviewed by the Library Board as often as necessary but at least **once a year**
 - b) posted in the staff room at each location

Appendix A

Guidelines to Address Discrimination and Workplace Harassment

1. Awareness of Discrimination and Workplace Harassment Policy and Guidelines

The *Workplace Harassment and Discrimination Policy* (HR-07) will be included in the Library's policy binder and will be posted in the staff area along with this *Workplace Harassment Program* information.

2. Training on Discrimination and Workplace Harassment Policy and Guidelines

All employees and volunteers will receive information and instruction on the contents of policy HR-07 and the related program, as part of the initial orientation and renewed on an annual basis. Each person will sign off that they received this training, and this information will be included in the training records for library staff.

3. Reporting Incidents of Discrimination and Workplace Harassment

Any employee or volunteer subjected to discrimination or harassment in the workplace should discuss the situation with the CEO. If there is a complaint against the CEO or a conflict of interest, a complaint shall be filed with the Board Chair. The Library Board may investigate or designate an individual to investigate and issue a report.

At any time during a meeting or interview concerning a complaint, both the employee lodging the complaint and the person against whom the complaint has been lodged has the right to be represented and accompanied by a person of his or her choice.

Any related documents or materials having to do with the complaint are to be made available and the employee with a complaint must provide written notes about the events leading up to the complaint which include:

- a) What happened – a description of the events or situation
- b) When it happened – dates and times
- c) Where it happened
- d) Who saw the incident if anyone

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In the case of harassment, information about the incident or complaint, including identifying information about any individual involved will be kept confidential unless disclosure is necessary for the purpose of investigation or taking corrective action, or required by the law.

4. Complaint Investigation and Resolution Procedures

An investigation that is appropriate in the circumstances will be conducted into incidents and complaints of harassment. The CEO will advise the person against whom the complaint has been lodged of the investigation. The Library recognizes and acknowledges that, under Bill 132, an inspector from the Ontario Ministry of Labour has the power to order the Library Board, as employer, to have an impartial third party conduct an investigation at the Library's expense and report the outcome of their findings to the complainant.

The CEO, their designate, initiates a confidential investigation immediately and finishes within 30 days. Throughout the process, the investigator keeps all parties informed; interviews the employee concerned and witnesses; collects evidence; prepares a report; and informs the parties, in writing, of the decision and the underlying reasons for the decision.

The CEO is responsible for imposing any disciplinary or corrective measures.

Any employee may file a complaint with the Ontario Human Rights Commission when the harassment or discrimination is related to one or more of the Human Rights Code's prohibited grounds - *race, ancestry, place of origin, colour, ethnic origin, citizenship, creed (religion), sex, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status or disability*.