

<b>Policy Name:</b>	Workplace Harassment and Violence Policy and Program		
<b>Section:</b>	System	<b>Effective Date:</b>	November 8, 2019
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## Policy Statement

The Barrie Public Library is committed to providing a safe and secure workplace for its employees and visitors, free from harassment, threats and violence, including domestic violence. The Library considers workplace harassment or violence to be serious misconduct and will address any form of conduct contrary to this policy. The Library will address any form of violence or harassment, where that violence occurs at work, including during any work-related and/or social function. The Library will respond appropriately to any instance or allegation of workplace violence, regardless of the alleged perpetrator's position within the Library, treating all allegations with confidentiality, consistency and fairness.

Employees who are found to have engaged in such conduct will be subject to disciplinary action up to and including the termination of employment.

All Library employees have a responsibility to protect the dignity and safety of their co-workers and the public they serve. Managers have additional responsibilities. Managers are obligated to discourage harassment or violence in the workplace; to take reasonable steps to prevent it; and to take appropriate corrective action to deal with workplace harassment or violence if and when it occurs.

In the event that a complaint is determined to be trivial, frivolous or vexatious and/or made in bad faith any investigation in progress may be discontinued. Any person who has made such a complaint will be subject to disciplinary action, up to and including termination of employment.

## Application of Program

This harassment and violence 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 the Board in dealings with employees, volunteers, co-op placement students, agents, consultants, contractors and Board members of the Library. Members of the public using the Library are expected to refrain from committing acts of harassment or violence as per the Patron Conduct Policy.

## Removal of a Person from the Workplace

If such harassment or violence occurs, the Library will take any steps necessary to ensure a harassment and violence-free workplace, including removing the person from the premises.

## Definitions

For the purpose of this policy/program, the following definitions will apply:

### Harassment

#### Workplace Sexual Harassment

- Engaging in a course of vexatious comment or conduct against a employee or any other person identified in "Application of Program" above, 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

- 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 employee and the person knows or ought reasonably to know that the solicitation or advance is unwelcome

Some examples of workplace sexual harassment include:

- Unwelcome remarks, jokes, innuendoes or taunting about a person's body, attire, sex (including pregnancy and breastfeeding) gender, gender identity, gender expression, or sexual orientation
- Asking questions, talking, or writing about sexual activities
- Practical jokes of a sexual nature which cause awkwardness or embarrassment
- Display of pornographic pictures or other offensive material
- Leering (suggestive staring) or other offensive gestures
- Demands for sexual favours and/or compromising invitations
- Lewd remarks made verbally or electronically

#### Workplace Harassment

- engaging in a course of vexatious comment or conduct against a employee in a workplace that is known or ought reasonably to be known to be unwelcome
- workplace sexual harassment as defined above
- unwelcome comment or conduct made to or about a person, or in printed or electronic media, insulting demeaning, or disrespectful to a person's race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status, disability, or other similar personal characteristics

Reasonable action taken by the Library or supervisor relating to the management and direction of workers or the workplace is not workplace harassment

Some examples of workplace harassment include:

- Differential treatment of employees or co-workers based on race, gender, ethnicity, etc.
- Verbal or written comments, jokes, teasing, and/or other communication of a sexual nature
- Demeaning language based on gender or sexual preference
- Graphic comments about an individual's body
- The use of sexually degrading words to describe an individual
- The display or circulation of sexually suggestive objects and/or pictures in the workplace
- Foul or obscene language and/or gestures
- Unwanted physical conduct such as patting, pinching, and/or brushing up against another person's body
- A promise of better treatment in return for sexual favours
- Indirect or expressed threats for refusal of a sexual request
- Inappropriate staring
- Any acts of intimidation, bullying, alienation, exclusion, teasing, threatening, and any other conduct that is malicious and unwelcome, or ought reasonably to be known to be unwelcome
- Setting someone up to fail
- Extreme micromanaging
- Constantly changing work guidelines

## Violence

- the exercise of physical force by a person against an employee, in a workplace, that causes or could cause physical injury to the employee
- an attempt to exercise physical force against an employee, in a workplace, that could cause physical injury to the employee
- a statement or behaviour that it is reasonable for an employee to interpret as a threat to exercise physical force against the employee, in a workplace, that could cause physical injury to the employee

The application of this Policy is contextual, and is not limited to acts of physical violence, and/or to conduct only within the walls of a Library facility.

Examples of Workplace Violence include, but are not limited to:

- Violence by Strangers: May enter the place of work on the pretense of being a patron and have a violent outburst.
- Violence by Clients: May be an unexpected situation arising from an interaction between two patrons.
- Violence by Co-workers: Could include current employees or former employees and may occur inside or outside the workplace.
- Violence by Personal Relations: This includes spouse, partner, relative, or friend and usually occurs when a personal dispute occurs with the employee and the individual enters the workplace to harass, threaten, injure, or kill the employee.

Some of the types of violence that workers could experience in the workplace include hitting, pushing, physical assault, sexual assault, stalking, criminal harassment, robbery or threats of violence.

## Domestic Violence

The Library will treat any form of violence seriously, including domestic violence, where that violence occurs at work, including during any work-related and/or social functions.

## Workers with a History of Violent Behaviour

The employer is required to provide information to workers relating to the risk of workplace violence from a person with a history of violent behaviour if it is expected that the employee could encounter that person at work, and if the risk of workplace violence is likely to expose the employee to physical injury.

## Workplace Conduct that is not Harassment

Workplace harassment does not include the proper exercise of responsibility or authority related to the provision of advice, assignment of work, counseling, performance evaluation, discipline and supervisory functions.

## Information and Instruction on Workplace Policy/Program

The Library will ensure that its employees and volunteers receive appropriate information and instruction on the program and policy.

## Procedure in the Event of Harassment

### Complainant

- Immediately make it clear to the offender that their behaviour or language is not welcome, if you are comfortable doing so
- If comfortable, state that you feel the action or behaviour is viewed as harassment

- If uncomfortable approaching the offender directly, the complainant may seek the assistance of their Manager and/or their Union Representative
- If the matter is not resolved after this initial discussion, a complaint should be filed. The complaint should be made in writing and include the dates, times, nature of the action/behaviour and witnesses (if any). Any supporting documents should also be provided. Although it is preferred that a complaint is made in writing, a complaint can be made verbally.

See Section on “How to Report Workplace Harassment or Violence” and investigation.

### Alleged Offender

The alleged offender will be informed and asked for a reply including a record of dates, times, the nature of the behaviour or language and witnesses if any.

### Remedial Action

- If there is no satisfactory evidence of harassment, no record of the complaint will be kept in any person’s file and parties will be informed in writing of this effect. A record of the investigation will be kept by the Library.
- If an offense is confirmed and action is recommended:
  - Action will be taken without undue delay
  - The Library Board, CEO and/or Managers will impose sanctions on the offender with an understanding of the seriousness of the misconduct and follow the general principles of corrective discipline

### Investigation

#### Commitment to Investigate

The Library will ensure that an investigation appropriate in the circumstances is conducted when the CEO, or any manager or supervisor becomes aware of an incident of workplace harassment or violence, or receives a complaint of workplace harassment or violence. In the event it is determined that no investigation is warranted reasons will be communicated.

#### Appointing an Investigator

- An investigator will be assigned if the situation warrants one
- In situations where the issues are complicated, or there are many individuals involved, or there is a concern over the neutrality of an internal investigator, an external investigator may be utilized. If the alleged offender is a member of the organization’s management team, an external investigator will be used
- The investigator must be competent and be perceived as such within the organization, with a knowledge of the relevant workplace harassment laws

#### Timing of the Investigation

The investigation must be completed in a timely manner and generally within 90 days or less unless there are extenuating circumstances (e.g. illness, complex investigation) warranting a longer investigation.

#### Investigation Process

The investigator will:

- Ensure the investigation is kept confidential and identifying information is not disclosed unless necessary to conduct the investigation. The investigator will remind the parties of this confidentiality obligation at the beginning of the investigation

- Thoroughly interview the complainant and the alleged offender(s), if the alleged offender is an employee of the employer. If the alleged offender is not an employee, the investigator will make reasonable efforts to interview the alleged offender
- Provide an opportunity for the alleged offender(s) to respond to the specific allegations raised by the employee
- Interview any relevant witnesses employed by the employer who may be identified by either the complainant, the alleged offender(s) or as necessary to conduct a thorough investigation. The investigator must make reasonable efforts to interview any relevant witnesses who are not employed by the employer if there are any identified
- Collect and review any relevant documents
- Take appropriate notes and statements during interviews with the complainant, the alleged offender and any witnesses
- Prepare a written report summarizing the steps taken during the investigation, the complaint, the allegations of the complainant, the response from the alleged offender, the evidence of any witnesses, and the evidence gathered. The report must set out findings of fact and come to a conclusion about whether workplace harassment was found or not

### Outcome of the Investigation

As soon as possible following the completion of the investigation, the complainant and the alleged offender, if they are an employee, will be informed in writing of the outcome of the investigation and any corrective action taken or that will be taken by the employer to address workplace harassment or violence.

### Record Keeping

The employer (human resources or designated person) will keep records of the investigation including:

- A copy of the complaint or details about the incident
- A record of the investigation including notes
- A copy of the investigation report (if any)
- A summary of the results of the investigation that was provided to the employee who allegedly experienced the workplace harassment or violence and the alleged offender, if an employee of the employer
- A copy of any corrective action taken to address the complaint or incident of workplace harassment or violence

Records will be filed in the individual employment files of the complainant and the offender for a two-year period from the date of the offence, after which records are destroyed.

### Confidentiality

All incidents or complaints of workplace harassment or violence will be kept confidential except to the extent necessary to protect workers, to investigate the complaint or incident, to take corrective action or otherwise as required by law.

While the investigation is on-going, the complainant, the alleged offender(s) and any witnesses will be directed to not discuss the incident or complaint or the investigation with each other or other workers or witnesses. The investigator may discuss the investigation and disclose the incident or complaint-related information only as necessary to conduct the investigation.

All records of the investigation will be kept confidential. The investigation documents, including the report should not be disclosed unless necessary to investigate an incident or complaint of workplace harassment or violence, to take corrective action or otherwise as required by law.

## **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 are encouraged to report workplace harassment or violence and have a duty under the *Occupational Health and Safety Act* to report workplace harassment or violence promptly in order to protect themselves and their colleagues.

All employees will:

- Comply with this policy program
- Promptly report any signs of harassment, warning signs of a potentially threatening situation, or any instance of threatening behavior which were directed at them or at any other employee of the Library to their Manager or the Manager of Human Resources. In the event that the alleged harasser is a Director or the CEO, the employee may make their report to the Chair of the Library Board (contact information can be found on the Hub)
- Co-operate fully in any fact gathering interviews which are designed to assess harassment or violence in the workplace which may include providing a signed statement
- Keep all information concerning the matter confidential to the fullest extent possible

In the event of a situation involving threats of violence or actual violence, the following may also be appropriate actions for employees:

- Endeavour to defuse the situation without danger to themselves
- Call on other staff members for assistance
- Call Library Security and/or Police
- Use appropriate de-escalation techniques or disengage from the situation
- If possible move the victim to a quieter location
- Administer or obtain first aid for any injuries
- Write down the description of the suspect
- Obtain contact information from any witnesses
- Serve a Notice of Trespass
- If a staff member is injured, fill out an Accident Investigation Report

## **Right to Refuse Work**

An employee has the right to refuse to work if the employee has reason to believe that they are in danger of being a victim of workplace violence.

## **Responsibility of Managers**

Managers will:

- Take all reasonable measures to prevent harassment or violence in the workplace

- Ensure that all employees are aware of the contents of this policy and their role in helping to prevent workplace harassment or violence
- Support this program and not ignore workplace harassment or violence, in order to let their staff members know that they take the issue of workplace harassment and violence seriously
- Promote enrolment in training courses in these areas that are available to employees
- Ensure their own skills in these areas are current
- Take immediate action when necessary
- Immediately report complaints or incidents to the CEO or Manager of Human Resources and any action taken
- Ensure that proper procedures are followed when a report of an incident is received, that the report is investigated promptly and fairly, that confidentiality is protected, that the rights, dignity and privacy of all parties are respected and will keep a confidential personal record of all discussions. Managers must consult with the Manager of Human Resources prior to disclosing any information relating to an informal action, a formal complaint, its investigation and/or resolution to anyone
- Coordinate general training for employees in consultation with the Manager of Human Resources
- Report to the CEO and/or the Manager of Human Resources any direct or veiled threats of violence made to any employee and any action taken
- Cooperate with the investigating team and act as a member of the investigating team if required

## Responsibility of the Employer

- The employer will investigate and deal with all complaints or incidents of workplace harassment or violence in a fair and timely manner
- In the event that a complaint comes to the Library Board, the Board will act as the Employer
- Information about a complaint or incident will not be disclosed except to the extent necessary to protect workers, to investigate the complaint or incident, to take corrective action or as otherwise required by law

## How to Report Workplace Harassment or Violence

### Obligation to Report

- An employee must report a situation that they feel is workplace harassment or violence. A report may be made by the actual victim of harassment or violence, by a co-worker who witnessed the incident or by a third-party reporting on behalf of the victim(s)
- Employees who, with good intentions, provide information about behaviour or actions which they perceive as harassment or violence will not be subject to disciplinary action or other repercussions if their perceptions are not substantiated. An employee will not be penalized for participating in a workplace harassment or violence investigation. However, if it is learned that an employee intentionally made a false report or provided false information regarding the report, disciplinary action will be taken

### How to Make a Report

- A report should be made as soon as possible after the relevant action or behaviour occurred
- Employees can report incidents or complaints of workplace harassment or violence verbally or in writing. When submitting a written complaint, the report must include the following information:
  - Name and contact information of complainant
  - Name of alleged offender(s) and contact information, if available

- Details of the complaint (include the names of the parties involved; any witnesses to the incidents); the location, date and time of the incident(s); details about the incident(s) (behaviour and/or words used); any additional details
- Relevant documents/evidence (e.g. emails, notes, photos, physical evidence)

### Who to Report Workplace Harassment or Violence to

- Report workplace harassment or violence to your Manager or the Manager of Human Resources
- If the complainant's manager is the person engaging in the workplace harassment or violence, contact the Manager of Human Resources, the CEO or any other Manager or Director
- If a Director or the CEO is the person engaging in the workplace harassment, contact the Manager of Human Resources or any other senior executive, or the Chair of the Library Board (contact information can be found on the Hub)
- The person to whom the report is made should not be under the direct control of the alleged harasser
- The Manager of Human Resources will be notified of the workplace harassment or violence incident or complaint so that they can ensure an investigation is conducted that is appropriate in the circumstances

### Appointing an Investigator

- An investigator will be assigned if the situation warrants one
- In situations where the issues are complicated, or there are many individuals involved, or there is a concern over the neutrality of an internal investigator, an outside investigator is preferred
- If the alleged offender is a senior executive of the organization, an outside investigator will be appointed
- The investigator must be independent and competent and be perceived as such within the organization, whether they are internal or external

### Investigation

- To the extent possible, the investigator will ensure that the incident is investigated promptly and fairly in a discreet and confidential manner
- As soon as reasonably practical, the investigator will conduct a full and objective investigation which will include meeting with the individual who made the report, presenting the allegations to the individual accused (the respondent), and interviewing witnesses as determined to be appropriate by the investigator or other persons who may reasonably have knowledge of the matter. The individual complainant and respondent each has the right to be accompanied by an appropriate support person. The investigator will confirm receipt of the report, clarify details and apprise the individual of the steps that will be taken
- After speaking with the appropriate Manager, the investigator has the authority, subject to applicable laws, to talk with anyone, examine any documents, and enter any work location. If Police are involved and request the Library not investigate the situation until after the police investigation has been completed, the investigator will seek the approval of the CEO prior to continuing the investigation
- An employee 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 they agree to cooperate and provide proof of cooperation. Continued or unreasonable refusal to cooperate may result in termination of employment
- Interventions that may form part of a risk assessment or plan of action for a Library employee who is the subject of a report or investigation may include referral to the employee's physician, use of sick leave or short-term disability, temporary leave of absence, referral to counseling and other services through the Employee Assistance Program

- Depending on the circumstances, the Manager and CEO may determine it is appropriate to physically and operationally separate the employees (if two employees are involved) for the duration of the investigation

## Outcomes and Recommendations

When the investigation is complete the investigator will submit a confidential written document to the CEO summarizing the outcomes and conclusions and will recommend corrective action if appropriate. Both the complainant and the respondent will be informed of the outcome of the investigation in writing, and of any corrective action that has been or will be taken as a result 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 violent conduct, or who have engaged in harassment or violent conduct will be subject to discipline up to and including suspension and/or termination of employment, if warranted
- The appropriate disciplinary action imposed, if any, will be determined by management or the Library Board if the CEO is the respondent

## Reprisal

This policy strictly prohibits reprisals against an employee because they have brought forward a concern or have provided information regarding a concern under this policy. Any employee who commits or threatens reprisal against another employee for following this, or any Library policy in good faith, may be subject to discipline, up to and including termination of employment for cause.

## Resources

An employee may consult the following resources to help address workplace harassment and violence:

- Union representative
- Joint Health & Safety Committee member or Health & Safety representative
- Employee Assistance Program

## Policy Review

The Ministry of Labour requires that this policy be reviewed annually.