

Grey Highlands Public Library

Policy Type: **Human Resources**

Policy Number: **30-2010**

Policy Title: **Policy to prevent Violence,
Harassment and
Discrimination in the
Workplace**

Policy Approval Date: **Sept. 2, 2010**

Last Review Date: **Sept. 21, 2016**

Chair Signature



Policy Review Date: **January 22, 2020**

Purpose

This policy addresses the prevention of workplace violence and harassment, sexual harassment and discrimination as part of the Grey Highlands Public Library's responsibility for worker health and safety under the ***Occupational Health and Safety Act and Ontario Human Rights Code***. This policy is for the mutual protection of staff, family members of staff, volunteers, visitors and library users from violence or threats of violence, harassment and discrimination.

The Grey Highlands Public Library Board is committed to providing a safe and healthy work environment where all individuals are treated with respect and dignity. It is recognized that actual or threatened workplace violence or harassment or discrimination undermines an employees' ability to work effectively and impacts their quality of life.

Violence, threats, harassment, and intimidation with physical intent and other fear inducing behaviour in our workplace will not be tolerated. This policy includes measures and procedures to protect workers from workplace violence, harassment and discrimination and a means of summoning assistance and a process to report incidents and raise concerns. All reports of incidents will be taken seriously and will be investigated promptly upon being reported and dealt with appropriately by staff, the library board, and appropriate authorities.

Application

For the purposes of this policy, workplace includes any place where business or work-related activities are pursued. Workplace includes, but is not limited to the physical work premises, work-related social functions, such as holiday parties, golf games, etc., work assignments outside of the office, work-related travel, work-related conferences or training activities and work-related communication, regardless of timing (within/outside of regular work hours) or format (telephone, email, etc.)

Section 1: Definition

1. The Grey Highlands Public Library recognizes the definition of violence as set out in the ***Occupational Health and Safety Act***. Workplace violence means:

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- a) The exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker;
- b) An attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker;
- c) A statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker.

2. Violence in the workplace may include but is not limited to:

- a) Verbally threatening to attack a worker;
- b) Leaving threatening notes or sending threatening e-mails to the workplace;
- c) Shaking a fist in a worker's face;
- d) Hitting or trying to hit a worker;
- e) Throwing or kicking an object;
- f) Sexual violence against a worker.

3. Violence in the library or on library property also includes but is not limited to:

- a) Intentionally or recklessly damaging of the property of another person without permission;
- b) Intentionally causing alarm;
- c) Recklessly creating a risk by fighting;
- d) Creating a hazardous condition or danger by recklessly engaging in conduct which creates a substantial risk of serious physical injury;
- e) Intentionally placing or attempting to place another person in fear of imminent serious physical injury;
- f) Wielding a weapon.

4. Domestic Violence

Where an employee is experiencing domestic violence that would likely expose them or fellow employees to physical injury that may occur in the workplace, it must be reported immediately. The Library appreciates the sensitivity of these issues and will assist an employee as discreetly as possible in order to maintain their privacy. The CEO and The Library Board will take appropriate precautions to provide reasonable protection to the employee and their fellow employees. This may include any one or all the following:

- a) Creating a safety plan for the employee(s) involved;
- b) Contacting the police;
- c) Establishing enhanced security measures such as restricted door access, implementing panic buttons, introducing code word(s), etc.;
- d) Screening telephone calls and blocking certain email addresses;
- e) Provision of preferred parking arrangements or escorts to the employee's vehicle;
- f) Adjustment of the employee's hours and work location so that they are not predictable.

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5. The Grey Highlands Public Library recognizes the definition of harassment as set out in the Ontario **Human Rights Code** and the **Occupational Health and Safety Act**, both of which defines harassment as engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome.

Prohibited harassment in the library workplace includes that which is in relation to grounds under the Ontario **Human Rights Code** (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).

The **Occupational Health and Safety Act** does not prescribe the nature of harassment, however prohibited harassment in the library workplace includes that which is personal in nature and not based on identification with a recognized group.

Harassment may include but is not limited to:

- a) Making remarks, jokes or innuendos that demean, ridicule, intimidate, offend or humiliate;
- b) Displaying or circulating offensive pictures or materials in print or electronic form
- c) Bullying/cyber-bullying;
- d) Repeated offensive or intimidating phone calls or e-mails;
- e) Inappropriate sexual advances, suggestions or requests;
- f) Social exclusion, including persistent exclusion of a particular person from workplace-related social gatherings.

Workplace gossip - refers to negative or derogatory comments or insinuations about an individual. Malicious or excessive gossip disrupts productivity, lowers morale, destroys relationships and inhibits trust. Gossip and negative comments are embarrassing and humiliating to the subject of the gossip and can hurt their feelings or damage their reputation. Gossip can easily cross the line into harassment and can become a health and safety or human rights issue. As such, employees must refrain from gossiping at work.

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 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.

6. Uninvited sexual touching will be considered assault and reported to police.

7. Discrimination

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, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status or disability”. HRC R.S.O. 1990, CHAPTER H. 19 s. 5.1

Discrimination may include abuse of authority or position of power as follows:

- a) To endanger an employee’s job;
- b) To undermine the performance of that job;
- c) To threaten the economic livelihood of an employee;
- d) To interfere with or influence the career of an employee in any way.

What is Not Harassment

The **Occupational Health and Safety Act** state that “a reasonable action taken by an employer or supervisor relating to the management a direction of workers of the workplace is not workplace harassment”. Workplace harassment should not be confused with legitimate, reasonable management actions that are part of the normal work function, including:

- a) Measures to correct performance deficiencies, such as placing someone on a performance improvement plan;
- b) Imposing discipline for workplace infractions;
- c) Requesting medical documents in support of an absence from work;
- d) Enforcement of workplace rules and policies.

It also excludes normal workplace conflict which may occur between individuals such as differences of opinion between co-workers.

Section II: Responsibility and Response

The CEO or designate must develop and maintain a workplace violence and harassment program (see Appendix A, B & C). The program will set out:

- a) A process for assessing the risk of violence in the workplace;
- b) Measures to control risk including those from domestic violence;
- c) Procedures for reporting incidents of violence and harassment;
- d) The process for dealing with, and investigating incidents of violence, harassment and complaints;
- e) Lockdown procedures.

The library will provide staff with information on the risk of violence in the library and training workshops on a periodic basis dealing with various issues of violence and harassment in the workplace such as “dealing with difficult people”. Employees are encouraged to report behaviour that they reasonably believe poses a potential for violence as described above.

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Workplace violence should be reported immediately to the most senior staff member available. Anyone experiencing or witnessing imminent danger or actual violence involving weapons or personal injury should call the police.

The Grey Highlands Public Library, at the request of an employee, or at its own discretion, may prohibit members of the public, including family members, from seeing an employee on library property in cases where the employee suspects that an act of violence will result from an encounter with said individual(s).

All complaints, reports or advisements will be thoroughly investigated by the CEO or designate. Physical or sexual assault and threat of physical violence will be reported to the police.

Responsibilities of All Employees

Every employee is responsible for adhering to the spirit and intent of this policy and the supporting program(s), and as such is to refrain from any conduct that constitutes or that could be interpreted as workplace violence, attempts to commit workplace violence or threats of workplace violence.

Employees are responsible for understanding and avoiding any offensive, unwelcome comments, conduct or interactions that would constitute harassment, discrimination or personal harassment under this policy.

Employees are encouraged to communicate to co-workers that their conduct or comments are unwanted and objectionable whenever they are exposed to conduct representing harassment as defined under this policy.

Employees are encouraged to discourage co-workers from persisting with comments, discussions or conduct which are inconsistent with the spirit of the policy.

Employees are to follow established procedures for the prevention and reporting of incidents of violence. Employees are to report incidents of violence and provide input into incident investigations. Employees should advise Senior Staff of any issues that may arise or become apparent and must report any violent incidents or threats to Senior Management.

Employees are to provide input into Risk Assessments and into the development of local Workplace Violence Prevention Programs. Employees are to attend education and training sessions as offered.

This policy will be reviewed annually by the Board and posted in the staff room along with the Violence Prevention Program (see Appendix A).

Section III: Confidentiality and False Reports

The CEO will develop and maintain a workplace discrimination and harassment program in consultation with the health and safety representative. The workplace discrimination and harassment program 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 of 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, as required by Bill 132;
- d) Knowledge of the system for maintaining all associated records should an inspection by the Ministry of Labour or employee inquiries occur.

All investigations, interviews and deliberations shall be conducted in strict confidence to the extent possible. The documents will be stored in a locked file cabinet and access to these records will be restricted.

Employees who are found to have made false or malicious complaints of will be subject to disciplinary action.

Section IV: Additional Steps

Nothing in this policy prevents or discourages a worker from filing an application with the Human Rights Tribunal on a matter related to Ontario's Human Rights Code within one year of the last alleged incident. A worker also retains the right to exercise any other legal avenues that may be available

Related Documents:

Original Approval: 2010-09-02 Motion: 30-2010

Amended on: 2013-07-07 Motion: 29-13; 2016-09-21 Motion: 37-16; Motion06-20;2020-02-22

Grey Highlands Public Library Board Personnel Policy

Grey Highlands Public Library Board Working Alone Policy

Grey Highlands Public Library Board Emergency Policy

Grey Highlands Public Library Health and Safety Policy

Human Rights Code, R.S.O. 1990, chapter H.19, section 5 (1).

Occupational Health and Safety Act R.S.O. 1990, CHAPTER O.1

Bill 168 An Act to amend the Occupational Health and Safety Act with respect to violence and Harassment in the workplace and other matters. R.S.O. 2009 Chapter 2

Bill 132: An Act to amend various statutes with respect to sexual violence, sexual harassment, domestic violence and related matters (Statutes of Ontario, 2016, Chapter 2)