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Pembroke Public Library



Policy Type: **Human Resources**

Policy Number: **HR-02**

Policy Title: **Workplace Harassment**

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## 1. **POLICY STATEMENT**

- 1.1 The Pembroke 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 Policy, unwanted, unsolicited actions, behaviours, remarks or communications in any form directed toward an individual or group and which are related 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.
- 1.2 All library employees have a responsibility to respect their co-workers and the public they serve. Managers have additional responsibilities. Managers 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.
- 1.3 This policy was written in accordance with Bill 168, an Act to amend the *Occupational Health & Safety Act*.

## 2. **APPLICATION OF PROGRAM**

- 2.1 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.
- 2.2 Members of the public, visitors to the library or individuals conducting business with the Library are expected to adhere to the Policy, 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.

### 3. OBJECTIVES

- To demonstrate and promote the library's commitment to providing a workplace that ensures employee safety and security.
- To prevent or lower the probability of harassment to library employees in the workplace.
- To respond swiftly and appropriately to incidents of harassment.
- To aid in the prevention of harassment in the workplace
- To provide an impartial and efficient investigation procedure.
- To ensure that all incidents are dealt with confidentially and objectively and that the rights and dignity of all parties are respected
- To provide the CEO and the employees in all departments of the Library with fair and consistent procedures for preventing and dealing with workplace harassment.

### 4. DEFINITIONS

For the purpose of this policy, harassment is defined as:

#### 4.1 SEXUAL HARASSMENT

- Unwelcome remarks, jokes, innuendoes or taunting about a person's body, attire, sex or sexual orientation.
- 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, compromising invitations

#### 4.2 RACIAL OR ETHNIC HARASSMENT

- Unwelcome remarks, jokes, innuendoes or taunting about a person's racial or ethnic background or colour.
- The display of racially derogatory or offensive pictures or material.
- Refusing to converse or work with an employee because of his/her racial or ethnic background.
- Insulting gestures or practical jokes based on racial or ethnic grounds which cause embarrassment or awkwardness.

#### 4.3 BULLYING

- Bullying is a type of harassment that can be difficult to define. It is seen as acts or verbal comments that could 'mentally' hurt or isolate a person in the workplace. It may involve negative physical contact. It usually involves repeated incidents or a pattern of behaviour that is intended to intimidate, offend, degrade or humiliate a particular person or group of people. Bullying can be very subtle and may actually be a pattern of behavior involving one or more incidents. It is also described as the assertion of power through aggression.

Examples of bullying include the following:

- spreading malicious rumours, gossip, or innuendo that is not true
- excluding or isolating someone socially
- intimidating a person
- undermining or deliberately impeding a person's work
- physically abusing or threatening abuse
- removing areas of responsibilities without cause
- constantly changing work guidelines
- establishing impossible deadlines that will set up the individual to fail
- withholding necessary information or purposefully giving the wrong information
- making jokes that are 'obviously offensive' by spoken word or e-mail
- intruding on a person's privacy by pestering, spying or stalking
- assigning unreasonable duties or workload which are unfavourable to one person (in a way that creates unnecessary pressure)
- underwork - creating a feeling of uselessness
- yelling or using profanity
- criticizing a person persistently or constantly
- belittling a person's opinions
- unwarranted (or undeserved) punishment
- blocking applications for training, leave or promotion
- tampering with a person's personal belongings or work equipment

#### 4.5 **OTHER HARASSMENT**

- Unwelcome remarks, jokes or taunting about a person's age, record of offences, marital status, family status, handicap, creed, place of birth, citizenship or ancestry.

#### 5. **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. Private verbal disagreements or personality differences are not usually harassment. Consensual banter or romantic relationships are not harassment. However, if anyone feels uncomfortable with this behaviour, and the behaviour continues even after this person expresses their discomfort, then it is harassment. It would also constitute harassment if the harasser should have known that the person was uncomfortable.

## 6. PROCEDURE IN EVENT OF HARASSMENT

### 6.1 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 CEO or his/her Union Representative.
- File a written complaint, signed and dated, with the CEO including a record of dates, times, the nature of the behaviour or language and witness if any.

### 6.2 ALLEGED OFFENDER

- The 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.

### 6.4 APPOINTING AN INVESTIGATOR

- The CEO to investigate.
- 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 harasser is a senior employee 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.

### 6.5 INVESTIGATION

- The investigator will interview both parties without delay.
- The investigator will document the situation accurately and completely.
- The investigator will notify the parties concerned of any decision or recommendations arrived at as a result of investigation.

### 6.6 REMEDIAL ACTION

- If there is no satisfactory evidence of harassment, no record of the complaint will be kept in any persons 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 Board and the 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 for a two year period from the date of the offence after which they are destroyed.

## 6.7 **CONFIDENTIALITY**

Confidentiality will be maintained to the fullest extent possible. The parties involved in the complaint, including witnesses, will be required to know some of the particulars of the complaint in order to respond fairly.

## 7. **INFORMAL COMPLAINT PROCEDURE**

When a complaint is brought forth informally (that is, no formal written complaint is filed) to the designated person, the employer has an obligation to make inquiries and determine the veracity of the allegations. It may be possible to resolve the complaint through informal discussions with each party or through a process of informal mediation. If the matter is not resolved informally, the complainant should be encouraged to file a formal complaint. The employee should always be advised of his or her right to proceed by filing a formal complaint.

## 8. **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.

## 9. **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 which was directed at them or at any other employee of the library to the CEO.
- Co-operate fully in any fact gathering interviews which are designed to assess harassment in the workplace which may include providing a signed statement
- Keep all information concerning the matter confidential to the fullest extent possible
- Ensure any investigation remains confidential.

## 10. **RESPONSIBILITY OF THE CEO**

- Take all reasonable measures to prevent harassment in the workplace.
- 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.
- Ensure their own skills in these areas are current.
- Take immediate action when necessary.
- Immediately report to the CEO.

- 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 shall keep a confidential personal record of all discussions.
- Report to the CEO any direct or indirect acts of harassment made to any employee and any action taken.
- Cooperate with the investigating team and be a member of the investigating team if required.

## 11. REPORTING PROCESS

### 11.1 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.

### 11.2 HOW TO MAKE A REPORT

- A report should normally 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, 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 CEO.

### 11.3 INVESTIGATION

- To the extent possible, the investigator shall ensure that the incident is investigated promptly and fairly in a discreet and confidential manner.
- As soon as reasonably practical, the person assigned shall initiate the investigation by meeting with the individual who made the report. The individual has the right to be accompanied by another employee. The investigator shall 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.
- 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.

- 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 short term disability, temporary leave of absence, referral to counseling and other services through the employee assistance program.
- Depending on the circumstances, the CEO may determine it is appropriate to physically and operationally separate the employees (if two employees involved).

#### 11.5 **FINDINGS AND RECOMMENDATIONS**

- When the investigation is complete the investigator will submit a confidential written document to the CEO summarizing the findings and conclusions and will recommend corrective action if appropriate.

#### 11.6 **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.
- The appropriate disciplinary action imposed, if any, shall be determined by the CEO or the Library Board if in the event that the CEO is the respondent.