

Burk's Falls Armour & Ryerson Union Public Library Board Policy Manual

Section:

Personnel

Number:

E-VI-8

Title:

Workplace Harassment

Page 1 of 7**Adopted:** July 20, 2011**Reviewed:** January 2012; January 2014**Revised:** January 2013

October 2015

Policy

The Burk's Falls, Armour & Ryerson Union Public Library is committed to providing a safe and healthy workplace free from harassment. The library recognizes that workplace harassment is a health and safety and human resources issue and will take reasonable precautions to prevent workplace harassment and to protect employees at the workplace.

A. PURPOSE OF WORKPLACE HARASSMENT PREVENTION POLICY

This policy is intended to:

1. Create and foster a work environment free from workplace harassment;
2. Provide a definition of workplace harassment;
3. Establish and detail the responsibilities of all persons in the workplace to maintain a workplace free of harassment;
4. Ensure that incidents of workplace harassment are reported to management or the Board;
5. Ensure that complaints of workplace harassment are handled in a timely and equitable manner by the library.

This policy applies to all library employees regardless of position, or classification. This policy also applies to all persons who attend the workplace including, but not limited to, all visitors, contractors, vendors and delivery persons.

B. WORKPLACE HARASSMENT DEFINED

In this policy, workplace harassment includes but is not limited to the following:

1. "Harassment" is any unsolicited, unwelcome, disrespectful or offensive behaviour that is known or ought to be known to be unwelcome. This includes inappropriate conduct, comments, display, actions or gesture by a person that:
 - Adversely affects the worker's psychological or physical well-being and that the person knows or ought reasonably to know would cause a worker to be humiliated or intimidated: and
 - Constitutes a threat to the health or safety of the worker.
2. Without limiting the above, this definition also includes harassment within the meaning of the Human Rights Act, i.e., harassment on the basis of the following prohibited grounds of discrimination: race, colour, religion, sex, national origin, physical disability, mental disability, age, marital status, public assistance or sexual orientation.

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3. "Discrimination" is a form of harassment and means any action or inaction that differentiates between individuals or individual as a member of a prohibited group under the Human Rights Codes, and imposes a disadvantage or withholds an advantage on the basis of race, colour, religion, sex, national origin, physical disability, mental disability, age, marital status, public assistance, or sexual orientation.
4. "Sexual Harassment" means any conduct, comment, gesture or contact of a sexual nature that is known or ought to be known as unwelcome whether on a one-time basis or a series of incidents. This includes an inappropriate conduct, comments, display, actions or gesture by a person that:
 - that might reasonably be expected to cause offence or humiliation; or
 - that might reasonably be perceived as placing a condition of a sexual nature on employment, an opportunity for training or promotion, receipt of services or a contract.

Examples of behaviour that can constitute sexual harassment include, but are not limited to:

- unwanted touching, patting or leering;
- sexual assault;
- inquiries or comments about a person's sex life;
- telephone calls, emails or text messages with sexual overtones;
- gender-based insults or jokes causing embarrassment or humiliation;
- repeated unwanted social or sexual invitations; and
- inappropriate or unwelcome focus/comments on a person's physical attributes or appearance.

Sexual harassment is further defined as unwelcome sexual advances, requests for sexual favours, and other verbal or physical conduct of a sexual nature, when:

- Submission to such conduct is made either explicitly or implicitly as a term or condition of an individual's employment;
- Submission to or rejection of such conduct by an individual is used as the basis for employment decisions affecting such individual;
- Such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

5. "Abuse of Authority" is a form of harassment where an individual improperly uses the

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power and authority inherent in a position to endanger a person's job, undermine the performance of that job, threaten the person's economic livelihood, or in any way interfere with or influence a person's career. It is the exercise of authority in a manner which serves no legitimate work purpose and ought reasonably to be known to be inappropriate.

Examples of abuse of authority include, but are not limited to, such acts or misuse of power as intimidation, threats, blackmail or coercion, swearing, and yelling.

The following situations are not normally considered to be harassment or discrimination:

- Situations that involve appropriate direction of the work force in compliance with management best practices.
- Situations that involve appropriate disciplinary action,
- The correction, assessment or appropriate constructive feedback of performance efforts, even if they are adverse or if the employee does not agree.
- Insistence on excellence or a reasonable quality of job performance.
- Practices required or permitted by law or contract; practices and procedures that are reasonable and bona fide in the circumstances.
- Normal, courteous, mutually respectful, pleasant, non-coercive interactions between employees that are acceptable to and welcomed by both parties.

C. ZERO TOLERANCE

The Burk's Falls, Armour & Ryerson Union Public Library values the health and safety of its employees and expects that its workplace will be free of workplace harassment. The library will not tolerate incidents of workplace harassment perpetrated against or by any employee, patron, vendor, contractor or visitor.

Every person at the library is responsible for acting in compliance with this policy.

With respect to acts of workplace harassment, as defined in this policy, the library may, where appropriate, take disciplinary action. If the harassment escalates to violence, appropriate action will be taken as outlined in the Workplace Violence Policy.

D. RESPONSIBILITIES AND OBLIGATIONS

It is the responsibility of:

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1. The Library Board

- To take reasonable preventative measures to protect employees and others in the library from workplace harassment;
- To ensure that all employees, including students and volunteers, are trained in this policy to recognize harassment and to follow the policies and procedures to minimize risk;
- To make this policy available in the workplace;
- To ensure that this policy is communicated to contractors and other persons who attend the workplace;
- To establish a process for reporting and respond to incidents of workplace harassment;
- To ensure the process for reporting and responding to incidents of workplace harassment is communicated, maintained and followed; and
- To ensure that this policy is reviewed at least annually.

2. Employees

- To comply with this policy at all times to protect themselves and others in the workplace from workplace harassment;
- To immediately notify the CEO or Chairperson of the Board or another Board member of any incident of workplace harassment whether the notifying worker is the victim or not.
- In the case of escalating harassment with the extreme or imminent threat of physical harm to themselves or any person from workplace violence, the worker should contact the police;
- To participate in training regarding this policy and procedures directed at workplace harassment in the workplace; and
- To fully cooperate in any investigation of complaints or incidents of workplace harassment or breaches of this policy.

E. REPORTING AND INVESTIGATING WORKPLACE HARASSMENT

1. Procedure for Reporting Workplace Harassment:

- All incidents of workplace harassment or reprisal must be immediately reported to CEO or Chairperson (or other member) of the Library Board;
- Employees may attempt to resolve their concerns by direct communication with the person(s) engaging in unwelcome conduct. Where employees feel confident or

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comfortable doing so, they should communicate their disapproval in clear terms to the person(s) whose conduct or comments are offensive.

- The employee should keep a written record of the date and details of the conduct and witnesses, if any.
- Employees who are not confident or comfortable with direct communication and who believe they are victims of harassment, or become aware of situations where this conduct may be occurring, must report these matters to the CEO or Chairperson (or other member) of the Library Board to deal with harassment complaints.
- If informal attempts at resolving the issue are not appropriate, or prove to be ineffective, a formal complaint may be filed.

To file a formal complaint:

- (a) Provide a written complaint that contains a brief account of the offensive incident (i.e., the date, time, location, potential witnesses, and name of person involved in the incident should be documented). The report should also include the remedy sought and be signed and dated by the person complaining;
- (b) Submit the complaint to the CEO or the Chairperson of the Library Board to deal with the harassment complaint;
- (c) Cooperate with those responsible for investigating the complaint.

2. Investigation:

- All complaints or incidents of workplace harassment or reprisal will be promptly investigated by CEO and/or chairperson and one other member of the Library Board. There will be at least two persons involved in the investigation. Where the perpetrator is a Library employee, the investigation will be conducted as quickly and confidentially as possible under the circumstances. Complete confidentiality is not possible in all circumstances and cannot be guaranteed;
- The CEO and designated investigator(s) will include in their report:
 - (a) A documented interview with the complainant and/or victim;
 - (b) A documented interview with the alleged perpetrator(s);
 - (c) A documented interview with any witnesses with relevant information to provide; and
 - (d) Any other step the investigator(s) deems necessary to fully and fairly investigate the complaint or incident;
- At the conclusion of the investigation into an incident or complaint the CEO, or designate, will prepare a written report of the findings of fact. After evaluating existing policies, procedures,

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physical premises and devices, and employee training, any suggestions to prevent a recurrence will be documented and the report will be placed in the Health and Safety Binder.

G. DISCIPLINARY ACTION

Where the perpetrator is a library employee, the CEO will take any necessary disciplinary action.

Disciplinary action for violations of this policy will take into consideration the nature and impact of the violations, and may include a verbal or written reprimand, suspension or termination (with or without notice).

Similarly, deliberate false accusations are of equally serious nature and will also result in disciplinary action up to and including termination without notice for just cause. Note that an unproven allegation does not mean that harassment did not occur or that there was a deliberate false allegation. It simply means that there is insufficient evidentiary basis to proceed or that while the complainant may have genuinely had reason to believe that there was harassment, investigation has not borne out the complaint.

If appropriate, specific written policies and procedures must be developed to respond to any identified risks. These will cover everything from work arrangements and the work environment to employee training and education. Everything the employer does to prevent workplace harassment should be documented in procedures or cross-referenced to another specific policy.

H. NO REPRISAL

Workplace harassment and this policy are serious matters. This policy prohibits reprisals against employees who have made good faith complaints or provided information regarding a complaint or incident of workplace violence. Employees who engage in reprisals or threats of reprisals may be disciplined up to and including dismissal from employment.

Reprisal includes:

- Any act of retaliation that occurs because a person has complained of or provided information about an incident of workplace harassment;
- Intentionally pressuring a person to ignore or not report an incident of workplace harassment; and
- Intentionally pressuring a person to lie or provide less than full cooperation with an investigation of a complaint or incident of workplace harassment.

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An employee who makes a false complaint or otherwise abuses this policy may be disciplined up to and including dismissal from employment. Such discipline is not a reprisal or breach of this policy.

I. TRAINING AND EDUCATION

All employees, including students and volunteers whose placement is longer than one month duration, are required to be trained on this policy. Training will include:

- The means to recognize harassment situations;
- Procedures, work practices, administrative arrangements and engineering controls that minimize or eliminate the harassment
- The appropriate responses of workers to incidents of harassment, including how to obtain assistance
- Procedures for reporting incidents of harassment.

J. POLICY REVIEW

This policy will be reviewed at least annually.