

# Trent Lakes Public Library



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Policy Type:	<b>Human Resources</b>	Policy Number:	<b>HR - 07</b>
Policy Title:	<b>Workplace Harassment and Discrimination</b>	Initial Policy Approval Date:	<b>27-09-2019</b>
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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, with fairness, and with confidentiality.

Board members, employees, and volunteers 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, clients/patrons, and family members.

## Section 1: Discrimination

1. 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*”. Human Rights Code, R.S.O. 1990, chapter H.19 s. 5 (1).
2. 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, and/or
  - d) 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 or a volunteer has a right to freedom from harassment in the workplace by the employer or agent of the employer or by another employee.
2. The **Occupational Health and Safety Act** (OHSA) defines “workplace harassment” as engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome. As of September 2016, workplace harassment includes “workplace sexual harassment,” that is, 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 or making a sexual solicitation or advance and the person knows or ought reasonably to know that the solicitation, advance, comment, or conduct is unwelcome.

## HR-07 Workplace Harassment and Discrimination (continued)

3. 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.
4. Harassment may include:
  - a) making remarks, jokes, 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; or
  - e) inappropriate sexual advances, suggestions, or requests.
5. Uninvited sexual touching will be considered assault and reported to the police.
6. 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 and False Reports

1. The CEO will develop and maintain a workplace discrimination and harassment program in consultation with the joint health and safety committee or health and safety representative. See Appendix A of this policy for a copy of current program.
2. The workplace discrimination and harassment program will set out,
  - 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, as required by Bill 132; and
  - d) a system for maintaining all associated records should an inspection by the Ministry of Labour or employee inquiries occur.
3. 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, and
  - b) posted in the staff room.

### Related Documents:

**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 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)

**Bill 168: An Act to amend the Occupational Health and Safety Act with respect to violence and harassment in the workplace and other matters.** (Statutes of Ontario, 2009, Chapter 23)

Trent Lakes Public Library Policy **HR-08: Prevention of Workplace Violence**

Trent Lakes Public Library Policy **OP- 02 Safety, Security and Emergency**

## HR-07 Workplace Harassment and Discrimination (continued)

### Appendix A

#### Program to Address Discrimination and Workplace Harassment

##### 1. Awareness of Discrimination and Workplace Harassment Policy and Program

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 Program

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 employees.

##### 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. In the event that 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 conduct an investigation 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.

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 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*.