

Township of Douro-Dummer Public Library

Policy Type: **Personnel**

Policy Title: **Respect in the Workplace**

Policy Number: **DDPL-Per-009**

Policy Approval Date: Revised and Adopted May 2024

Date of Next Review: May 2025 (**ANNUAL REVIEW REQUIRED**)

Policy Statement: To provide guidelines for the Douro-Dummer Public Library, concerning the creation of an inclusive environment that is principally based on the creation of a respectful workplace that is free from any form of violence or harassment.

Purpose: The Douro-Dummer Public Library is committed to providing and maintaining a working environment that is based on respect for the dignity and rights of everyone in the organization. It is the Library's goal to provide an inclusive, safe and healthy work environment that is free from any form of harassment or violence.

Scope: This policy applies to all employees, volunteers including Trustees on the Board, contractors and consultants. It applies in any location in which staff is engaged in work-related activities and includes, but is not limited to:

- The workplace
- During work-related travel
- At restaurants, hotels or meeting facilities that are being used for business purposes
- In facilities occupied by the library
- During telephone, e-mail or other communications
- At any work-related social event, whether or not it is library sponsored

This policy also applies to situations in which employees are harassed or subjected to violence in the workplace from individuals who are not employees of the Library, such as patrons and suppliers, although the available remedies may be constrained by the situation.

Definitions

- i. **"Sexual harassment"** includes conduct or comments of a sexual nature that the recipient does not welcome or that offend him or her. It also includes negative or inappropriate conduct or comments that are not necessarily sexual in nature, but which are directed at an individual because of his or her gender. Some examples of sexual harassment are:
 - Sexual advances or demands that the recipient does not welcome or want
 - Threats, punishment or denial of a benefit for refusing a sexual advance
 - Offering a benefit in exchange for a sexual favour
 - Leering (persistent sexual staring)
 - Displaying sexually offensive material such as posters, pictures, calendars, cartoons, screen savers, pornographic or erotic websites or other electronic material
 - Distributing sexually explicit e-mail messages or attachments such as pictures or video files
 - Sexually suggestive or obscene comments or gestures
 - Unwelcome remarks, jokes, innuendoes, propositions or taunting about a person's body, clothing or sex
 - Persistent, unwanted attention after a consensual relationship ends
 - Physical contact of a sexual nature, such as touching or caressing
 - Sexual assault

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- ii. **“Discrimination”** includes any distinction, exclusion or preference based on the protected grounds in the *Ontario Human Rights Code*, which nullifies or impairs equality of opportunity in employment, or equality in the terms and conditions of employment.
- iii. **“Discriminatory harassment”** includes comments or conduct based on the protected grounds in the *Ontario Human Rights Code*, which the recipient does not welcome or that offends him or her. Some examples of discriminatory harassment include:
 - Offensive comments, jokes or behaviour that disparage or ridicule a person’s membership in one of the protected grounds, such as race, religion or sexual orientation
 - Imitating a person’s accent, speech or mannerisms
 - Persistent or inappropriate questions about whether a person is pregnant, has children, or plans to have children
 - Inappropriate comments or jokes about an individual’s age, sexual orientation, personal appearance or weight

Harassing comments or conduct can poison someone’s working environment, making it a hostile or uncomfortable place to work, even if the person is not being directly targeted. This is commonly referred to as a poisoned working environment and it is also a form of harassment. Some examples of actions that can create a poisoned work environment include:

- Displaying offensive or sexual materials such as posters, pictures, calendars, websites or screen savers
 - Distributing offensive e-mail messages, or attachments such as picture or video files
 - Practical jokes that embarrass or insult someone
 - Jokes or insults that are offensive, racist or discriminatory in nature
- iv. **“Workplace harassment and bullying”** is a health and safety issue that is covered under the *Occupational Health and Safety Act*. The *Occupational Health and Safety Act* defines workplace harassment as “engaging in a course of vexatious comment or conduct against a worker in the workplace that is known or ought reasonably to be known to be unwelcome”. Workplace harassment may have some or all of the following components:
 - It is generally repetitive, although a single serious incident may constitute workplace harassment if it undermines the recipient’s psychological or physical integrity and has a lasting harmful effect
 - It is hostile, abusive or inappropriate
 - It affects the person’s dignity or psychological integrity
 - It results in a poisoned work environment

In addition, behaviour that intimidates, isolates, or discriminates against the recipient may also be included. Some examples of workplace harassment are:

- Verbally abusive behaviour such as yelling, insults, ridicule and name calling including remarks, jokes or innuendoes that demean, ridicule, intimidate or offend
- Workplace pranks, vandalism, bullying and hazing
- Gossiping or spreading malicious rumours
- Excluding or ignoring someone, including persistent exclusion of a particular person from workplace-related social gatherings
- Undermining someone else’s efforts by setting impossible goals, with short deadlines and deliberately withholding information that would enable a person to do their job

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Workplace harassment and bullying (continued)

- Providing only demeaning or trivial tasks in place of normal job duties
- Humiliating someone
- Sabotaging someone else's work
- Displaying or circulating offensive pictures and materials
- Offensive or intimidating phone calls or e-mails
- Impeding an individual's efforts at promotions or transfers for reasons that are not legitimate
- Making false allegations about someone in memos or other work-related documents

What isn't harassment - Workplace harassment should not be confused with legitimate, reasonable management actions that are part of the normal work function, including:

- Measures to correct performance deficiencies, such as placing someone on a performance improvement plan
- Imposing discipline for workplace infractions
- Requesting medical documents in support of an absence from work

Harassment also excludes normal workplace conflict that may occur between individuals or differences of opinion between co-workers.

The test of harassment - The test of harassment is whether the initiating person knew or should have known that the comments or conduct were unwelcome to the other person. It does not matter whether an employee intended to offend someone. For example, someone may make it clear through their conduct or body language that the behaviour is unwelcome, in which case the employee must immediately stop that behaviour. Although it is commonly the case, the harasser does not necessarily have to have power or authority over the victim. Harassment can occur from co-worker to co-worker, supervisor to employee and employee to supervisor.

v. **"Workplace violence"** is defined under the *Occupational Health and Safety Act* as:

- The exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker
- An attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker
- A statement or behaviour that 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

Workplace violence is defined broadly to include acts that may be considered criminal and includes:

- Physically threatening behaviour such as shaking a fist at someone, finger pointing, destroying property, throwing objects
- Verbal or written threats to physically attack a worker
- Leaving threatening notes or sending threatening e-mails
- Wielding a weapon at work
- Stalking someone
- Physically aggressive behaviours including hitting, shoving, standing excessively close to someone in an aggressive manner, pushing, kicking, throwing an object at someone, physically restraining someone or any other form of physical or sexual assault

Violence that occurs outside the normal workplace but which has an impact on the working environment, including working relationships, may also be considered violence in the workplace.

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- vi. **“Domestic violence”** that may occur in the workplace is a health and safety issue, which is covered under the *Occupational Health and Safety Act*. If an employee is experiencing domestic violence that would likely expose them, or other workers, to physical injury that may occur in the workplace, the Douro-Dummer Public Library will take every precaution reasonable to protect the employee and their co-workers in the circumstances. This may include some or all of the following:
- Creating a safety plan, eg. establishing enhanced security measures such as code words
 - Contacting the police
 - Screening calls and blocking certain e-mail addresses
 - Setting up priority parking or providing escorts to employee vehicles
 - Adjusting working hours and location so that they are not predictable

Preventing harassment and violence - It is the mutual responsibility of the employees and the library board to ensure that a harassment- and violence-free workplace is created and maintained and to address violence and/or the threat of violence from all possible sources (including patrons, clients, employers, supervisors, workers, strangers and domestic/intimate partners).

Douro-Dummer Public Library’s commitment - The Douro-Dummer Public Library will do its part by not tolerating or condoning discrimination, harassment or violence in the workplace. This includes making everyone in the organization aware of what behaviour is and is not appropriate, assessing the risk of workplace violence, investigating complaints and imposing suitable corrective measures.

Duties of supervisors

Supervisors are expected to assist in creating a harassment- and violence-free workplace and to immediately contact the CEO if they receive a complaint of workplace harassment or violence or witness/are aware of harassing or violent behaviour. Supervisors must also take every reasonable precaution to protect employees from workplace violence, including evaluating an employee’s history of violent behaviour to determine whether and to whom this employee poses a risk. In making this evaluation supervisors should consider:

- Whether the employee’s history of violence was associated with the workplace or work
- Whether the history of violence was directed at a particular employee or employees in general
- How long ago the incidence of violence occurred

In certain circumstances, supervisors may have a duty to provide information about a risk of workplace violence from a person with a history of violent behaviour if an employee can be expected to encounter that person during the course of his or her work, and the risk of workplace violence is likely to expose the employee to physical injury. Supervisors will only release as much personal information about the person with a history of violent behaviour as is reasonably necessary to protect the employee from physical injury.

Duties of all employees

Employees must do their part by ensuring that their behaviour does not violate this policy and by fostering a work environment that is based on respect and is free of harassment. Employees are also required to report to their supervisor or the CEO, the existence of any workplace violence or threat of workplace violence.

Review Cycle: This policy will be reviewed for revision on an annual basis but can also be revised as required by the CEO/Librarian and/or the Library Board. This policy supersedes any previous policy.

Chairperson: Georgia Gale-Kidd

CEO/Librarian: Maggie Pearson

Schedule A: Procedure for resolving and investigating harassment complaints

Informal procedure

If an employee believes that they are being harassed, the first thing to do is to tell the person harassing them to stop. The employee should do so as soon as they receive any unwelcome comments or conduct. Although this may be difficult to do, telling the person that you don't like their actions is often enough to stop the behaviour. Some examples of what to say that might stop the behaviour include:

- "I don't want you to do that..."
- "Please stop doing or saying..."
- "It makes me uncomfortable when you..."
- "I don't find it funny when you..."

If the harassment continues after the employee has confronted the individual, they may want to provide him or her with a written statement of the situation. Include specific details of the behaviours considered to be harassing, a request to the harasser to stop and the employee's expectations that he or she will stop. Provide details of the next steps planned if the harassment does not stop, i.e. filing a formal complaint. The employee should keep a copy of this statement for themselves. It helps if employees keep a record of any incident(s) that they experience. This includes when the harassment started, what happened, whether there were any witnesses and the employee's response.

If an employee believes that someone who is not a member of the Douro-Dummer Public Library, i.e. a patron, supplier, etc., has harassed or discriminated against them, please report the harassment to the supervisor or CEO. Although the Douro-Dummer Public Library has limited control over third parties, the Library will do its best to address the issue and prevent further problems from arising.

Formal procedure

If the complaint cannot be resolved informally or if it is too serious to handle on an informal basis, a formal complaint may be brought to the CEO. The Douro-Dummer Public Library Board will be made aware of any formal complaints, either at the next scheduled library board meeting or at an emergency board meeting called specifically to discuss the complaint, depending on the severity of the complaint. If the issue to be resolved involves the CEO, a formal complaint may be made directly to the Library Board Chairperson.

If a formal complaint is made, as much written information as possible will be needed, including the name of the person believed to be causing the harassment, the place, date and time of the incident(s), and the names of any possible witnesses. **A copy of the Workplace Respect Complaint form is available from the CEO.** It is important that the CEO and/or Library Board receive any complaint as soon as possible so that the problem does not escalate or happen again. Once a complaint has been received, the CEO and/or the Library Board will initiate a formal investigation, if it is necessary and appropriate to do so.

Discrimination and harassment are serious matters. Therefore, if deciding not to make a formal complaint, the CEO and/or the Library Board may still need to investigate the matter and take steps to prevent further harassment. For example, an investigation may need to be continued if the allegations are serious or if there have been previous complaints or incidents involving the respondent. Please note that it is not the policy of the Douro-Dummer Public Library to investigate anonymous complaints unless there are extenuating circumstances.

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Schedule A: Procedure for resolving and investigating harassment complaints (continued)

Investigation procedure

The CEO and/or Library Board will commence an investigation as quickly as possible. Depending on the nature of the complaint, either an internal or external investigator may be used. The investigation will include:

- Interviewing the complainant and respondent to ascertain all of the facts and circumstances relevant to the complaint, including dates and locations
- Interviewing witnesses, if any
- Reviewing any related documentation
- Making detailed notes of the investigation and maintaining them in a confidential file

Once the investigation is complete, the investigator(s) will prepare a detailed report of the findings to the Library Board. A summary of the findings will also be provided to the complainant and the respondent.

It is the goal of the Douro-Dummer Public Library to complete any investigation and communicate the result to the complainant and respondent within thirty days after receiving a complaint, where possible.

Corrective action

The Library Board will determine what action should be taken as a result of the investigation. The Board will inform the complainant and respondent of the results of the investigation and whether (but not necessarily what) corrective measures were taken, if any were necessary. If a finding of harassment is made, the Library Board will take appropriate corrective measures, regardless of the respondent's seniority or position with the Douro-Dummer Public Library. Corrective measures may include one or more of the following:

- Discipline, such as a verbal warning, written warning or suspension without pay
- Termination with or without cause
- Referral for counseling (sensitivity training), anger management training, supervisory skills training or attendance at educational programs on workplace respect
- A demotion or denial of a promotion
- Reassignment or transfer
- Financial penalties such as the denial of a bonus or performance-related salary increase
- Any other disciplinary action deemed appropriate under the circumstances

If there is not enough evidence to substantiate the complaint, corrective measures will not be taken.

If a complaint is made in good faith and without malice, regardless of the outcome of the investigation, the employee who made the complaint will not be subject to any form of discipline. The Douro-Dummer Public Library will, however, discipline or terminate anyone who brings a false and malicious complaint.

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Schedule A: Procedure for resolving and investigating harassment complaints (continued)

Procedure for resolving and investigating workplace violence

An employee has the right to refuse work if workplace violence is likely to endanger them. In that instance, the employee should immediately contact their supervisor, at which point appropriate measures will be taken to protect the employee and investigate the situation. The employee will be moved to a safe place as near as reasonably possible to their normal work station and will need to be available for the purposes of investigating the incident. In some circumstances, the employee may be provided with reasonable alternative work during normal working hours.

In appropriate circumstances, the Douro-Dummer Public Library may contact the police, or other emergency responders as appropriate, to assist, intervene or investigate workplace violence. Details about the measures and procedures for summoning immediate assistance will be provided and may include:

- Equipment to summon assistance such as fixed or personal alarms, locator or tracking systems, phones, cell phones, etc.
- Emergency telephone numbers and/or e-mail addresses
- Emergency procedures

Provided the situation is dealt with quickly and the danger to workers is removed, the necessity of work refusal may be alleviated.

Investigation procedure

Employees are required to report the existence of any workplace violence or threat of workplace violence to their supervisor or the CEO, who will report to the Library Board. The Board will commence an investigation as quickly as possible. The Board may choose to use either an internal or external investigator, depending on the nature of the incident. The investigation will include:

- Conducting interviews of relevant individuals to ascertain all of the facts and circumstances relevant to the complaint, including dates and locations
- Reviewing any related documentation
- Making detailed notes of the investigation and maintaining them in a confidential file

Once the investigation is complete, the investigator(s) will prepare a detailed report of the findings. A copy of the report will be provided to the Library Board.

Corrective action

The Library Board will determine what action should be taken as a result of the investigation. If a finding of workplace violence is made, the Douro-Dummer Public Library will take appropriate corrective measures, regardless of the respondent's seniority or position in the Library. Corrective measures may include one or more of the following:

- Discipline, such as a verbal warning, written warning or suspension without pay
- Termination with or without cause
- Referral for counseling (sensitivity training), anger management training, supervisory skills training or attendance at educational programs on workplace respect
- A demotion or denial of a promotion
- Reassignment or transfer
- Financial penalties such as the denial of a bonus or performance-related salary increase
- Any other disciplinary action deemed appropriate under the circumstances

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Schedule A: Procedure for resolving and investigating harassment complaints (continued)

If a complaint is made in good faith and without malice, regardless of the outcome of the investigation, the employee who made the complaint will not be subject to any form of discipline. The Douro-Dummer Public Library will, however, discipline or terminate anyone who brings a false and malicious complaint.

Procedures for addressing domestic violence

If an employee is experiencing domestic violence that would expose them to physical injury in the workplace or if they are experiencing workplace violence or believe that workplace violence is likely to occur, they may seek immediate assistance by contacting the CEO. The CEO will assist in preventing and responding to the situation and may, in certain circumstances, notify other authorities.

Confidentiality of complaints and investigations

The Douro-Dummer Public Library recognizes the sensitive nature of harassment and violence complaints and will keep all complaints confidential, to the extent that the Library is able to do so. The Library will only release as much information as is necessary to investigate and respond to the complaint or situation or if required to do so by law.

Out of respect for the relevant individuals, it is essential that the complainant, respondent, witnesses and anyone else involved in the formal investigation of a complaint maintain confidentiality throughout the investigation and afterwards.

Protection from retaliation

The Douro-Dummer Public Library will not tolerate retaliations, taunts or threats against anyone who complains about harassment or takes part in an investigation. Any person who taunts, retaliates against or threatens anyone in relation to a harassment or violence complaint may be disciplined or terminated.