

<b>Title:</b>	Human Rights Policy; Anti-Harassment/Discrimination/Violence	
<b>Policy Type:</b>	Human Resources	<b>Policy Number:</b> 400-09
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<b>Review Date:</b>	October 2023	

**PURPOSE:**

This policy establishes a framework for preventing / mitigating the occurrence of harassment, discrimination and/or violence.

**SCOPE:**

This policy applies to all employees, volunteers, Friends of the Library, Board members, any person having business with the Library, and members of the public.

**DEFINITIONS:**

**Discrimination** - the unjust or prejudicial treatment of people especially on the grounds of race, age, sex, or ability.

**Harassment** – the implicit or perceived use of an inappropriate comment or conduct against another that is known, or ought reasonably to be known, to be unwelcome.

**Personal harassment** includes but is not limited to:

- Unwelcome and/or insulting remarks, jokes, innuendoes, or taunting of another person
- Displaying of racist, derogatory, or offensive pictures or material.
- Refusal to work with or share facilities with an employee because of;
  - i. his / her disability
  - ii. gender, race, religion, ethnicity or sexual orientation.
- Unwelcome, inappropriate or insulting gestures based on;
  - i. his / her disability
  - ii. gender, race, religion, ethnicity or sexual orientation.

**Sexual harassment** - any comment or conduct which is intimidating or malicious and related to sex or sexual orientation and includes but is not limited to:

- Unwelcome, inappropriate, insulting remarks, jokes, innuendoes and/or taunting about a person’s body, attire, sex or sexual orientation.
- Jokes of a sexual nature.
- Displaying of sexually explicit pictures or other offensive material.
- Suggestive staring, leering or other gestures.
- Unnecessary or unwanted physical contact such as touching, patting or pinching.
- Request for sexual favours from an employee implying or suggesting that employment status could be affected.

**Unacceptable behaviour** - physically or psychologically aggressive behaviour including but not limited to:

- Hitting, kicking, punching, shoving, slapping, pinching, grabbing, and biting.
- Carrying or brandishing weapons of any sort.
- Destruction of workplace or co-workers' property.
- Throwing objects at an individual with a view to cause physical injury or fear.

**Violence** – a perceived, attempted, or expressed threat or actual use of physical force against an individual that causes or could cause physical injury.

**Volunteer** – authorized, unpaid worker assisting the Library with the provision of service.

**Workplace** - in or on the property of Sault Ste. Marie Public Library or off site, including facilities and worksites and vehicles.

## **POLICY STATEMENT**

The Library is committed to the prevention of harassment, discrimination and violence as outlined in the Canadian Charter of Rights and Freedoms, and the Occupational Health and Safety Act.

The Library will make every reasonable effort to:

- Develop and promote a positive, inclusive and safe environment.
- Provide sound procedures for reporting and resolving complaints.
- Comply with governing legislation.

All staff responsibilities (i.e. performance appraisals, scheduling, and implementation of disciplinary action) will adhere to this policy.

A complaint filed under this Policy does not preclude an individual from pursuing other appropriate avenues of resolution.

## **RESPONSIBILITIES**

All employees, volunteers, Board members, and persons having business with the Library, and members of the public are responsible for promoting mutual respect and for preventing and resolving incidents of harassment, discrimination or violence.

### **Each Employee Has the Responsibility To**

- Be knowledgeable about workplace policies and procedures;
- Ensure proper reporting and documenting.

### **The Supervisor Has the Responsibility To**

- Communicate workplace policies and procedures to all staff and volunteers.
- Receive and report any harassment, discrimination or violence complaint.
- Take whatever immediate action is appropriate and available.

- Encourage employees and volunteers to report incidents of harassment, discrimination or violence.

### **Management Has the Responsibility To**

- Provide and encourage an environment free of harassment, discrimination and violence through education and training.
- Review with all employees and volunteers relevant Library Policies.
- Make this Policy accessible on the Library website.
- Resolve harassment, discrimination and violence complaints without delay.
- Take appropriate corrective action, monitor the situation and protect confidentiality.

### **Confidentiality**

- Except where disclosure is required by law or agreed to by consent of the parties, all records relating to a harassment, discrimination or violence complaint will be kept confidential.
- Records of incidents involving an employee or volunteer will be maintained in the employee's / volunteer's personnel file.
- Records of incidents involving a member of the public are maintained in the CEO's files.
- When a complaint is unsubstantiated and the Policy has been used in a vindictive or frivolous manner, a record will be maintained in the complainant's personnel file.
- Investigative files will be retained permanently, separate from personnel files in the CEO's Office.

**This policy shall be reviewed annually.**

### **RELATED POLICIES**

300-02 Access to Information and Protection of Privacy Policy  
300-06 Social Media Policy  
300-09 Rules of Conduct Policy  
300-17 Volunteer Program Policy  
300-18 Friends of the Library Policy  
300-23 Accessible Customer Service Policy  
300-26 Computer & Internet Use Policy  
400-01 Hiring Policy  
400-03 Health and Safety Commitment Policy  
400-07 Dress Code and Casual Dress Policy  
400-14 Performance Appraisal Policy

## **APPENDIX A**

### **Harassment, Discrimination, Violence Program**

The workplace harassment, discrimination and violence program applies to all workers including managers, supervisors, temporary employees, students and subcontractors.

#### **1. Measures and Procedures to Control Risks**

The Library uses a combination of controls to help reduce the risk of workplace harassment, discrimination, and violence. These include:

- Engineering Controls
- Administrative Controls
- Personal Protective Equipment (PPE)

##### **Engineering Controls**

Library locations are equipped with security features including keyed access, security alarms, and surveillance cameras. Each location also has restricted staff-only areas and service desks which act as a barrier between the staff and the public.

##### **Administrative Controls**

The Library has established many procedures to prevent harassment and violence in the workplace, which can be found in the Library's Staff manual under the Emergency Procedures section. Additional procedures such as the Library Closing Procedures/Vulnerable Staff have been created to ensure extra precautions are taken.

The Library will ban and have a no trespass order issued to patrons who demonstrate that they are a threat to the staff, public, facilities or equipment, through their actions or uttered threats.

The Library has a contract with a local Security Firm that provides on-call security for non-emergency incidents.

The Library offers health and safety training during the on-boarding process and on occasion through staff development days, first aid courses, and individual webinars.

##### **PPE**

Panic buttons are available to staff at each library location and can be worn when responding to an incident or conducting a task where risks are increased.

#### **2. Reporting Harassment, Discrimination, Violence**

Workers must report incidents or complaints of harassment, discrimination or violence in writing using the workplace harassment complaint form (see Appendix B). If there is an injury, they must also complete an Accident/Injury Investigation form and Administration may be required to submit a WSIB claim.

In the case of an emergency, assistance will need to be summoned immediately. Staff should call out to other staff and/or bystanders if they are able and it is safe to do so. Staff may use their personal devices, library phones, and/or panic buttons to alert police services. They should provide as much detail about the threat and danger as possible to emergency services.

### **Reporting Harassment, Discrimination or Violence**

An incident or a complaint of harassment, discrimination or violence must be reported as soon as possible after experiencing or witnessing an incident, to allow an investigation in a timely manner.

If the worker's supervisor is the person engaging in the harassment, discrimination or violence contact the department's manager. If the CEO is the person engaging in the workplace harassment, contact the Board Chairperson. (Note: The person designated as the reporting contact should not be under the direct control of the alleged harasser).

Administration shall be notified of the incident or complaint to ensure an appropriate investigation is conducted. If the incident or complaint involves the CEO, an external qualified person, as identified by the Board, will be retained to conduct the investigation.

All incidents or complaints shall be kept confidential except to protect workers; to investigate the complaint or incident; or to take corrective action or otherwise as required by law.

### **3. Investigation**

#### **a. Commitment to Investigate**

The CEO will ensure that an investigation is conducted upon receipt of a complaint of harassment, discrimination or violence.

#### **b. Who Will Investigate**

The CEO will determine who will conduct the investigation. Any allegations against the CEO will be referred to the Library Board Chairperson.

#### **c. Timing of the Investigation**

The investigation must be completed in a timely manner and generally within 90 days or less unless there are extenuating circumstances (i.e. illness, complex investigation).

#### **d. Investigation Process**

The person conducting the investigation whether internal or external to the workplace will, at minimum, complete the following:

- The investigator must ensure the investigation is kept confidential. Any identifying information must not be disclosed unless necessary to the

investigation. The investigator should remind the parties of this confidentiality obligation at the beginning of the investigation.

- The investigator must thoroughly interview the complainant and the alleged harasser(s), if the alleged harasser is an employee. If the alleged harasser is not an employee, the investigator should make reasonable efforts to interview them.
- Both parties must be given the opportunity to respond to the specific allegations.
- The investigator must interview any relevant internal or external parties, collect and record any relevant information.
- The investigator must prepare a summarized written report which must set out findings of fact and come to a conclusion.

b. Results of the Investigation

Within 10 days of the investigation being completed, the relevant parties will be informed in writing of the results and any corrective action to be taken.

c. Confidentiality

While the investigation is on-going, the relevant parties will not discuss the incident or complaint or the investigation with each other or others except to obtain advice about their rights. The investigator may discuss the investigation and disclose the incident or complaint-related information only as necessary.

All records of the investigation will be kept confidential.

#### **4. Record Keeping**

The CEO or the Library Board will keep records of the investigation including:

- a copy of the complaint or details about the incident;
- a record of the investigation including notes;
- a copy of the investigation report;
- a summary of the results;

All records and documents of the investigation will be kept confidential unless necessary to investigate a subsequent incident or complaint, take corrective action or otherwise as required by law.

**APPENDIX B**

Harassment, Discrimination or Violence Complaint Form

**Complainant Information:**

Name: \_\_\_\_\_ Department: \_\_\_\_\_  
Email: \_\_\_\_\_ Phone #: \_\_\_\_\_

**Accused Information:**

Name(s): \_\_\_\_\_

The accused is a:  Staff Member  Volunteer  Contractor  Member of the Public

Identifying Information (including phone #'s and emails): \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**The incident involved:**  Harassment  Discrimination  Violence

**The complaint is for:**  A Single Incident  A Series of Incidents

**Date(s) and time(s) of incident(s):** \_\_\_\_\_

**Location of incident(s):** \_\_\_\_\_

**Details of alleged harassment, discrimination or violence:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Witnesses (if applicable)**

Name: \_\_\_\_\_ Contact Info: \_\_\_\_\_  
Name: \_\_\_\_\_ Contact Info: \_\_\_\_\_  
Name: \_\_\_\_\_ Contact Info: \_\_\_\_\_



Name: \_\_\_\_\_ Contact Info: \_\_\_\_\_  
Name: \_\_\_\_\_ Contact Info: \_\_\_\_\_

**Relevant Documents/Evidence**

Attach any supporting documents, such as emails, handwritten notes, or photographs. Physical evidence, such as vandalized personal belongings, can also be submitted.

Complainant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Manager's Signature: \_\_\_\_\_ Date: \_\_\_\_\_