

Title:	Human Rights Policy; Anti-Harassment/Discrimination/Violence	
Policy Type:	Human Resources	Policy Number: 400-09
Approval By:	Resolution Number RB 2013-04-15	
Approval Date:	April 15, 2013	
Revised Dates:	April 2017; April 2018; January 2020; February 22, 2021; January 20, 2022; October, 17, 2022; November 27, 2023	
Review Date:	October 2024	

PURPOSE:

This policy establishes a framework for preventing / mitigating the occurrence of harassment, discrimination and/or violence. It will ensure the Library's compliance with the Occupational Health and Safety Act in regards to workplace violence and harassment.

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:

Bullying - an incident(s) or a pattern of behaviour that is intended to intimidate, offend, degrade or humiliate a person or group of people.

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

Harassment – Any behavior that creates a hostile or unpleasant work environment through unwelcome verbal or physical conduct, including 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.

Weapon - anything used, designed to be used or intended for use to threaten, intimidate, cause death of or injure any person.

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 recognizes that workplace violence and harassment is a health and safety issue. The Library will not tolerate nor condone workplace violence or harassment and considers it inconsistent with the Library's goals, priorities and values.

The Library will make every reasonable effort to:

- Develop and promote a positive, inclusive and safe environment.
- Raise awareness through workplace training of personal safety issues.
- Provide sound procedures for reporting and resolving complaints.
- Take appropriate action(s) with perpetrators of workplace violence or harassment which may include exclusion from using Library services, disciplinary action (up to discharge), counseling (mandatory and/or voluntary) or work reassignment.
- Assist victims in every reasonable manner possible.

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.

SOURCES OF VIOLENCE/HARASSMENT

Co-worker / Manager - the perpetrator is a co-worker / manager, volunteer or a past worker who attacks or threatens fellow workers.

Domestic - the perpetrator usually does not have a legitimate relationship with the Library but has or has had a relationship with a worker.

Member of Public - the perpetrator is a visitor to the Library and may be a user of library services.

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.
- Not ignore acts of workplace violence or harassment.
- Ensure proper reporting and documenting.
- Co-operate with any subsequent Violence or Harassment Investigation.

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.

NO REPRISALS

The victims are assured that there shall be no recrimination or reprisals, dismissal, discipline, intimidation or the imposition of any penalty because of a complaint of workplace violence and harassment. However, frivolous and / or vexatious use of this policy by any worker may result in disciplinary action up to and including discharge.

This policy shall be reviewed annually.

RELATED POLICIES

100-11 Board Code of Ethics
300-02 Records Management and Protection of Privacy policy
300-06 Social Media Policy
300-07 Exclusion, Reinstatement and Appeals 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
400-05 Workplace Code of Conduct
400-07 Dress Code and Casual Dress Policy
400-08 Right to Disconnect Policy
400-10 Electronic Monitoring 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, 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.

Employees cannot expect to raise a complaint while at the same time asking that no action be taken or ask to remain totally 'anonymous'.

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.
- Parties to the complaint may be temporarily reassigned during the investigation or put on administrative leave.
- 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

A determination will not be made until all facts and information have been received. 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. Corrective action will be taken as expeditiously as possible.

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. Support

If the need for post crisis support is evident, the CEO may arrange for consultation with appropriate health care professionals. An employee who visits a physician or health care specialist for treatment or counseling will not lose any pay or other benefits.

5. 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.