



Policy Type: **Human Resources**

Policy Number: **HR-06**

Policy Title: **Workplace Harassment and Discrimination**

Policy Approval Date: May 2010

Policy Review Date: March 25,  
2025

---

The Smiths Falls Public Library Board is committed to providing a work environment in which all individuals are treated with respect and dignity.

Workplace harassment or discrimination will not be tolerated from any person in the workplace. Everyone in the workplace must be dedicated to preventing workplace harassment. Managers, board members, volunteers and workers are expected to uphold this policy, and will be held accountable by the employer.

**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
  - d) to interfere with or influence the career of an employee in any way

**Workplace Harassment:**

As defined by the Occupational Health and Safety Act:

Workplace harassment is defined as:

- (a) engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome, or
- (b) workplace sexual harassment :

- 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, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or
- making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome;

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.

Harassment may include:

- making remarks, joke or innuendos that demean, ridicule, intimidate, or offend
- displaying or circulating offensive pictures or materials in print or electronic form
- bullying
- repeated offensive or intimidating telephone calls or e-mails
- inappropriate sexual advances, suggestions or requests

Uninvited sexual touching will be considered assault and reported to the police.

This policy is not intended to limit or constrain the reasonable exercise of management functions in the workplace. A reasonable action taken by an employer or supervisor relating to the management and direction of workers or the workplace is not workplace harassment.

Each Employee/Volunteer has the responsibility to:

- Refrain from conduct that is harassing to Employees, Volunteers and other individuals;
- Report any incidents of workplace harassment. A library employee or volunteer who believes that they have been subjected to workplace harassment should report the alleged incident to the Chief Executive Officer or designate, or to the board chair should the allegation be against the CEO or designate.
- Be knowledgeable about workplace policy and procedures relating to workplace harassment and workplace sexual harassment;

Management has the responsibility to:

- Provide education and training related to workplace harassment and workplace sexual harassment prevention procedures;
- Take all reasonable and practical measures to protect workers, acting in good faith, who report workplace harassment or act as witnesses, from reprisal or further violence.
- Resolve harassment and sexual harassment complaints by investigating and taking appropriate action without delay;

- Take appropriate corrective action, including Employee/Volunteer discipline and management of infractions by the public and others to ensure that such activity, conduct or comment does not continue;
- Assess the workplace on an annual basis for workplace harassment risks;
- Take necessary action to protect confidentiality of those involved in complaints.

There are no time limits for reporting a complaint. To protect the interests of the complainant, the alleged harasser, and persons who may report incidents of workplace harassment, confidentiality will be maintained throughout the investigative process. Information relating to the complaint will only be disclosed to the extent necessary to resolve the situation.

Nothing in this policy prevents or discourages a worker from filing an application with the Human Rights Tribunal of Ontario on a matter related to Ontario's Human Rights Code within one year of the last alleged incident. A worker also retains the right to exercise any other legal avenues that may be available.

### **Responsibilities and False Reports**

1. The CEO will develop and maintain a workplace discrimination and harassment program in consultation with the health and safety representative. A copy of the current program follows this policy.
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) the system for maintaining all associated records should an inspection by the Ministry of Labour or employee inquiries occur, and
3. This policy (HR-06) and the Workplace Discrimination and Harassment Program will be:
  - a) reviewed by the library board as often as necessary but at least once a year
  - b) posted in the staff room

### **Program to Address Workplace Harassment and Discrimination**

1. Awareness of Workplace Harassment and Discrimination policy and program

The *Workplace Harassment and Discrimination policy* (HR-06) will be included in the library's policy wiki 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-06 and the related program, as part of the initial orientation and 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 staff.

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 or designate. 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 or designate 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, or his or her designate, 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*.