



## BRACEBRIDGE LIBRARY POLICIES AND PROCEDURES

Policy Number: OP-25

Title: Workplace Harassment & Discrimination

Board Approval Date: March 2022

Category: Operational

Policy Replacing: N/A

Year of next review: 2027

### PURPOSE:

The Bracebridge Library (Library) is committed to providing and maintaining a work environment in which individuals are treated with respect and dignity and that is free from discrimination and harassment in accordance with the Occupational Health and Safety Act (the Act).

The Library will not tolerate, condone or ignore discrimination or harassment and is committed to promoting appropriate standards of conduct at all times. All staff and Board Members are responsible for respecting the dignity and rights of others.

### SCOPE:

Every person in the Library work environment has a right to freedom from discrimination and harassment in the workplace from any and all sources. This includes work-related communications outside of working hours and locations.

This Policy applies to all Library staff as well as all persons who attend Library workplaces, including but not limited to all patrons, suppliers, vendors, and domestic partners.

### DEFINITIONS:

**Staff:** All full time, part time and casual employees as well as interns, volunteers, members of the Library Board and any contractors and consultants including their affiliated third parties who may have access to Library property.

**Worker:** a member of staff.

**Vexatious:** causing or tending to cause annoyance, frustration or worry.

**Workplace Harassment:** 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 workplace sexual harassment. This includes bullying.

Reasonable action taken by the Library or by a supervisor relating to the management and direction of workers or the workplace is not workplace harassment. This includes, but is not limited to:

- a) changes in work assignments or locations
- b) scheduling
- c) job assessment and performance evaluations
- d) workplace inspections
- e) requesting medical documents in support of an absence from work
- f) implementation of health and safety measures; and/or
- g) disciplinary action

Differences of opinion or minor disagreements between co-workers are typically not workplace harassment.

**Workplace Sexual Harassment:** This includes:

- a) 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, and/or
- b) Making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny the benefit or Making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny the benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advancement is unwelcome.

**Discrimination:** This includes:

- a) Any distinction, exclusion or preference based on the protected grounds in the Ontario Human Rights Code (the Code), which nullifies or impairs (e.g. stops) equality of opportunity in employment, or equality in the terms and conditions of employment.
- b) The protected grounds of discrimination as set out in the Code are: citizenship, race, place of origin, ethnic origin, colour, ancestry, disability, age, creed, sex/pregnancy, family status, marital status, sexual orientation, gender identity, gender expression, receipt of public assistance (in housing), and record of offences (in employment).

**Discriminatory Harassment:** A course of improper conduct or comments based on one or more of the protected grounds listed in the Code, which a person knows or ought reasonably to know would be unwelcome.

#### **STATEMENT OF POLICY:**

1. All staff are entitled to employment free from discrimination and harassment. The Library will make every reasonable and practical effort to ensure that no staff are subject to workplace discrimination or harassment.
2. A worker who believes they have been subjected to discrimination or harassment is encouraged to make their disapproval known to the person who is causing the offence and ask that the behaviour stop.
3. Workers are encouraged to promptly report any incidents of workplace discrimination or harassment to the appropriate person:
  - a) The immediate supervisor or next level Manager not involved in the complaint; or
  - b) The Chief Executive Officer (CEO); or
  - c) The Chair of the Bracebridge Public Library Board (Chair).
4. Management will investigate and deal with all complaints or incidents of workplace discrimination or harassment in a fair, respectful and timely manner.
5. Information provided about an incident or about a complaint will be kept confidential and will not be disclosed except as necessary to protect staff, to investigate the complaint or incident, to take corrective action or as otherwise required by law.
6. All staff are expected to adhere to this policy, and will be held responsible by the Library for not following it.
7. If an investigation finds that a complaint of workplace discrimination or harassment is

substantiated, the Library will take corrective action appropriate in the circumstances, which may include disciplinary action up to and including termination of employment, or any other corrective response deemed appropriate by the Library in the circumstances.

8. Workers are not to be penalized, disciplined or otherwise subject to reprisal for reporting workplace discrimination or harassment in good faith, or for acting as a witness or otherwise participating in an investigation involving workplace harassment.
9. This Policy will be reviewed annually, or at the time any gaps/deficiencies in it are identified.

ADAPTED FROM: Town of Bracebridge policy TOB-HS2006-17: Discrimination and/or Harassment Prevention

REVISIONS: None

RELATED DOCUMENTATION:

Occupational Health and Safety Act

Discrimination and/or Harassment Prevention Program

Workplace Discrimination/Harassment Complaint Form

Workplace Discrimination/Harassment Investigation Meeting Form

Workplace Discrimination/Harassment Confidentiality Agreement

Policy Number: OP-25

Title: Workplace Harassment & Discrimination Program

Board Approval Date: March 2022

Category: Operational

Policy Replacing: N/A

Year of next review: 2027

## PURPOSE:

The Bracebridge Public Library (Library) is committed to providing and maintaining a work environment in which individuals are treated with respect and dignity and that is free from discrimination and harassment in accordance with the Occupational Health and Safety Act (the Act).

The purpose of this document, the Discrimination and/or Harassment Prevention Program (Program), is to define discrimination and harassment, identify responsibilities and establish the elements of the discrimination and harassment prevention program. This Program is to be used in conjunction with Policy OP-25 Discrimination and/or Harassment Prevention.

## SCOPE:

1. This Program applies to all Library staff, as well as all persons who attend Library workplaces, including but not limited to all patrons, suppliers, vendors, and domestic partners.
2. This Program applies to discrimination or harassment occurring:
  - 2.1 At the Library's offices or jobsites;
  - 2.2 At employment-related social functions;
  - 2.3 In the course of work assignments off the Library's property or jobsites; and
  - 2.4 It may also apply to conduct occurring off-duty, including social media and online activity.

## DEFINITIONS:

### 1. **Staff means:**

All full time, part time and casual employees as well as interns, volunteers, members of the Library Board and any contractors and consultants including their affiliated third parties who may have access to Library property.

### 2. **Worker means:** a member of staff.

### 3. **Vexatious:** causing or tending to cause annoyance, frustration or worry.

### 4. **Workplace Harassment means:**

- 4.1 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
- 4.2 Workplace sexual harassment.
- 4.3 Workplace harassment may have some or all of the following components:

- i. 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; and,
  - ii. It is hostile, abusive or inappropriate.
  - iii. It can poison the employee's work environment making it a hostile or uncomfortable place, even if the employee is not being directly targeted. This is commonly referred to as a poisoned work environment and it is a form of harassment.
- 4.4 Behaviours that are examples of workplace harassment include but are not limited to:
- i. Offensive or intimidating comments or jokes;
  - ii. Bullying or aggressive behaviour;
  - iii. Displaying or circulating offensive pictures or materials;
  - iv. Distributing offensive email messages or attachments;
  - v. Inappropriate staring;
  - vi. Workplace sexual harassment;
  - vii. Isolating or making fun of a worker because of gender identity;
  - viii. Workplace pranks or jokes that embarrass or insult someone;
  - ix. Spreading gossip, rumors, negative blogging, cyber-bullying;
  - x. Regular use of profanity and abusive or offensive language;
  - xi. Making false allegations;
  - xii. Aggressive behaviors such as slamming doors or throwing objects; and/or,
  - xiii. Sabotaging another employee's work.
- 4.5 Workplace harassment does not include reasonable and legitimate action taken by an employer or supervisor relating to the management and direction of workers or the workplace.
- 4.6 Workplace harassment also does not include normal workplace disagreements that may occur between individuals or differences of opinion between co-workers.

## **5. Workplace Sexual Harassment means:**

- 5.1 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; and/or
- 5.2 Making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny the benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advancement is unwelcome.
- 5.3 Examples of workplace sexual harassment can include but are not limited to:
- i. Inquiring about someone's sexual history or sexual orientation;
  - ii. Making derogatory remarks about a person's sexual orientation or gender identity;
  - iii. Sexual advances or solicitations that the recipient does not welcome and which the person engaging in the conduct knows or ought reasonably to know would be unwelcome;

- iv. Unwelcome solicitation or advances from a manager, supervisor or another person who has the power to reward or punish the worker;
- v. Leering (e.g. persistent suggestive staring);
- vi. Displaying, distributing or circulating sexually offensive material such as posters, pictures, calendars, cartoons, screen savers, pornographic or erotic web sites or other electronic material;
- vii. Sexually suggestive or obscene comments or gestures;
- viii. Unwelcome remarks, jokes, innuendoes, propositions or taunting about a person's body, clothing or sex;
- ix. Persistent, unwanted attention after a consensual relationship ends;
- x. Physical contact of a sexual nature, such as touching or caressing; and/or
- xi. Sexual assault.

5.4 Both men and women can be victims of sexual harassment and persons can harass another person of the same or opposite sex.

## **6. Discrimination means:**

- 6.1 Any distinction, exclusion or preference based on the protected grounds in the Ontario Human Rights Code (the Code), which nullifies or impairs (e.g. stops) equality of opportunity in employment, or equality in the terms and conditions of employment.
- 6.2 The protected grounds of discrimination as set out in the Code are: citizenship, race, place of origin, ethnic origin, colour, ancestry, disability, age, creed, sex/pregnancy, family status, marital status, sexual orientation, gender identity, gender expression, receipt of public assistance (in housing), and record of offences (in employment).

## **7. Discriminatory Harassment means:**

- 7.1 A course of improper conduct or comments based on one or more of the protected grounds listed in the Code, which a person knows or ought reasonably to know would be unwelcome.
- 7.2 Behaviours that are examples of discriminatory harassment may include and are not limited to:
  - i. Offensive comments, jokes or behaviours that disparage or ridicule a person's membership in one of the protected groups; and/or
  - ii. Inappropriate comments or jokes about an individual's age, sexual orientation, or personal appearance.

## **8. The Test of Harassment:**

- 8.1 It does not matter whether or not the intent was to offend someone. The test of harassment is whether the harasser knew or ought reasonably to have known that the comments or conduct were unwelcome to the other person.
- 8.2 The harasser does not need to have power or authority over the victim. Harassment can occur between any combination of managers, supervisors, temporary employees, students, volunteers, interns, consultants/independent contractors and subcontractors, members of the Library Board (Board), as well as all persons who attend Library workplaces, including but not limited to patrons, suppliers, vendors, and domestic partners.

## **APPLICATION:**

1. In the event of a conflict between this Program and the Act or related regulations, the Act and the regulations shall govern.

## **ADMINISTRATION:**

### **1. Reporting Discrimination or Harassment complaints:**

- 1.1 A worker who believes they have been subjected to discrimination or harassment is encouraged to make their disapproval known to the person who is causing the offence and ask that the behaviour stop.
- 1.2 If the discrimination or harassment continues, or if the worker is uncomfortable addressing the person who is causing the offence directly, the worker should:
  - i. Report the incident to an immediate supervisor or next level Manager not involved in the complaint; or
  - ii. Report the incident to the Chief Executive Officer (CEO); or
  - iii. The Chair of the Bracebridge Public Library Board (Chair).
- 1.3 Complaints must be filed as soon as possible after the incident occurred. This allows the incident to be investigated in a timely manner. A complaint shall include:
  - i. Name(s) of the complainant(s) and contact information
  - ii. Name of the alleged harasser(s), position and contact information (if known)
  - iii. Names of the witness(es) (if any) or other person(s) with relevant information to provide about the incident (if any) and contact information (if known)
  - iv. Details of what happened including date(s), frequency and location(s) of the alleged incident(s);
  - v. Any supporting documents the complainant may have in his/her possession that are relevant to the complaint; and
  - vi. A list of any documents a witness, another person or the alleged harasser may have in their possession that are relevant to the complaint, detailing the nature of the incident, dates, times, frequency, places, witnesses, and names of those involved.
- 1.4 All instances of workplace discrimination or harassment will be investigated. The employer will also investigate if instances are brought to their attention formally or informally, for example if a supervisor witnessed discrimination or harassment or became privy to it from a third party.
- 1.5 Complaints can be made verbally or in writing by completing the Workplace Discrimination/Harassment Complaint Form (attached). The name of the complainant may be shared with the alleged offender. In the event that the complainant does not wish their name to be shared, they may withdraw the complaint. When reporting verbally, the reporting contact, along with the worker complaining of harassment will fill out the Complaint Form.
- 1.6 Supervisors and Managers who are aware of, or receive a complaint of, workplace discrimination or harassment are required to immediately notify the CEO and document the incident.

- 1.7 Where appropriate, the CEO will advise the Chair that a complaint has been received and is being investigated.

## **2. Investigating Discrimination or Harassment complaints (appendix A):**

- 2.1 The Library will ensure that an investigation appropriate in the circumstances is conducted when it becomes aware of an incident of workplace discrimination and/or harassment or receives a complaint of workplace discrimination and/or harassment.
- 2.2 The CEO will conduct the investigation into the incident or complaint. The Library will ensure that the person who conducts the investigation is not involved in the incident. In appropriate cases the Library may, in its discretion, elect to have an investigation into workplace harassment and/or discrimination conducted by the Chair or an external third party investigator.
- 2.3 An investigation will be undertaken immediately, utilizing the following process:
  - i. The investigator will make reasonable efforts to thoroughly interview the worker who allegedly experienced the workplace harassment and the alleged harasser(s), if the alleged harasser is a worker of the Library. If the alleged harasser is not a worker, the investigator should nevertheless make reasonable efforts to interview the alleged harasser.
  - ii. The alleged harasser(s) will be given the opportunity to respond to the specific allegations raised by the complainant. In some circumstances, the worker who allegedly experienced the workplace harassment shall be given a reasonable opportunity to reply.
  - iii. The investigator will make reasonable efforts to interview any relevant witnesses employed by the Library who may be identified by either the worker who allegedly experienced the workplace harassment, or the alleged harasser(s) in order to conduct a thorough investigation. The investigator will make reasonable efforts to interview any identified relevant witnesses who are not employed by the Library.
  - iv. The investigator will make reasonable efforts to collect and review relevant documents.
  - v. The investigator will take appropriate notes and statements during interviews with the worker who allegedly experienced workplace harassment, the alleged harasser(s) and any witnesses.
  - vi. The investigator will make a determination on the validity of the complaint.
- 2.4 Investigations will be completed in a timely manner, generally within 90 calendar days or less after receiving a complaint or becoming aware of an incident, unless there are extenuating circumstances that warrant a longer investigation (e.g. more than 5 witnesses, key witness unavailable, etc.).
- 2.5 While the investigation is on-going, the worker who allegedly experienced harassment, the alleged harasser(s) and any witnesses will be instructed not to discuss the complaint, incident or the investigation with other workers or witnesses unless necessary to obtain advice about their rights.

## **3. Results of the Investigation**

- 3.1 At the conclusion of an investigation, the investigator shall prepare a written Summary Report that includes the steps taken during the investigation, the complaint, the allegations of the worker who allegedly experienced the workplace discrimination or harassment, the response from the alleged harasser, the evidence of any witnesses, and the evidence gathered.
- 3.2 The Summary Report shall set out findings of fact and come to a conclusion about whether workplace discrimination and/or harassment was found or not. It is to be shared with the Chair and any other designated person(s) to take appropriate action.
- 3.3 The Summary Report shall include recommendations, if any, to correct existing problems and to prevent similar problems from occurring in the future.
- 3.4 Final decisions regarding the disposition of a complaint of an incident will be made by the CEO and/or the Chair as appropriate unless otherwise required by law.
- 3.5 In most cases, investigations cannot be undertaken on the basis of an anonymous complaint. However, Department Heads, Managers, and Supervisors will not ignore these situations and shall report them to the CEO for other forms of intervention.
- 3.6 Within 10 days of the investigation being completed, the worker who allegedly experienced the workplace harassment and the alleged harasser, if they are a worker of the employer, will be informed in writing of the results of the investigation and any corrective action taken or that will be taken by the employer to address workplace harassment.
- 3.7 The CEO, Department Heads, Managers and Supervisors will ensure that a discrimination and harassment-free workplace has been restored and that further incidents of discrimination and/or harassment will not occur.
- 3.8 Workers found to have violated this policy will be subject to appropriate disciplinary action up to and including termination of employment or otherwise required by law.
- 3.9 The Library will make every effort to ensure confidentiality for workers involved in incidents of discrimination and /or harassment. A Complaint Form as well as all associated documents will be kept confidential to the extent possible. Information obtained about an incident or complaint of workplace harassment, including identifying information about any individuals involved, will not be disclosed unless necessary to protect workers, to investigate the complaint or incident, to take corrective action or otherwise as required by law.
- 3.10 The Library will make every effort to ensure confidentiality for workers involved in incidents of discrimination and /or harassment. A Complaint Form as well as all associated documents will be kept confidential to the extent possible. Information obtained about an incident or complaint of workplace harassment, including identifying information about any individuals involved, will not be disclosed unless necessary to protect workers, to investigate the complaint or incident, to take corrective action or otherwise as required by law.
- 3.11 Reprisal against a worker who has made a complaint or provided information in good faith regarding a complaint of discrimination and/or harassment is prohibited.

Workers who engage in reprisals or threats of reprisals may be disciplined, up to and including termination of employment.

- 3.12 If the Library determines that any worker has advanced a complaint of workplace harassment in bad faith, or knowingly made false statements regarding an allegation of workplace harassment, the worker will be considered to have committed a serious breach of this Program and will be subject to disciplinary action, up to and including termination of employment. Such discipline is not a reprisal or breach of this Program.
- 3.13 A worker has the right to refuse work if the worker has reason to believe that workplace discrimination and/or harassment is likely to endanger them. In that case, workers should report their concern as per 5.1.2 of this Program.
- 3.14 The pursuit of a complaint under this internal complaint procedure does not preclude an employee from filing a complaint with the Ontario Human Rights Commission or pursuing any other available avenues.

## **RESPONSIBILITIES:**

1. It is the responsibility of each worker to ensure a workplace is free from discrimination and/or harassment and that discrimination and/or harassment is addressed from all possible sources including, but not limited to Library staff, as well as all persons who attend Library workplaces, including but not limited to all patrons, suppliers, vendors, and domestic partners.
2. **Department Heads, Managers and Supervisors are responsible to:**
  - 2.1 Communicate this Program and the Discrimination and/or Harassment Prevention Policy (Policy) with the workers they manage or supervise and train the employees on the procedures within this Program
  - 2.2 Support workers who report complaints or incidents of workplace discrimination and/or harassment
  - 2.3 Follow the procedures outlined above in Section 5. Administration
  - 2.4 Where discrimination and/or harassment has occurred, implement appropriate measures to prevent reoccurrence and monitor the situation after a complaint to ensure the discriminating or harassing behavior has stopped
  - 2.5 Take every precaution reasonable in the circumstances to protect workers and,
  - 2.6 Take reasonable measures to protect workers, acting in good faith, who report discrimination and/or harassment or act as witnesses, from reprisal.
3. **The CEO, or when required, the Chair is responsible to:**
  - 3.1 Take a leadership role in providing advice on policy provisions and in addressing and providing assistance to resolve concerns and complaints
  - 3.2 Support Department Heads, Managers and Supervisors in addressing discrimination and/or harassment issues in their workplaces
  - 3.3 Arrange for training for Department Heads, Managers, Supervisors and staff on this Program and Policy and
  - 3.4 Undertake neutral, independent informal and formal investigations and/or engage a

third party investigator if appropriate. Report findings of fact to the Chair and the appropriate Department Head and/or senior Manager(s), and document these findings in a Summary Report.

**REVIEW:**

1. This Program document be reviewed anytime gaps and/or deficiencies are identified as a result of an investigation.

ADAPTED FROM: Town of Bracebridge policy TOB-HS2006-17: Discrimination and/or Harassment Prevention

PREVIOUS REVISIONS: None

RELATED DOCUMENTATION:

Occupational Health and Safety Act

OP-25 Discrimination and/or Harassment Prevention Policy

Workplace Discrimination/Harassment Complaint Form

Workplace Discrimination/Harassment Investigation Meeting Form

Workplace Discrimination/Harassment Confidentiality Agreement

## **APPENDIX A**

### **Workplace Discrimination and/or Harassment Investigation Process Guideline**

#### **Obtain Background Information:**

1. Name of person, position, and department who reported workplace discrimination and/or harassment;
2. Name of person, position, and department who allegedly experienced workplace discrimination and/or harassment if different from above;
3. Name of worker(s), position, and department complaining or possibly exposed to workplace discrimination and/or harassment if different from above;
4. Date complaint/concern was raised and how; and
5. Name of respondent(s), position, and department;

#### **Develop Investigation Plan:**

1. Obtain the worker(s) concerns and details of discrimination and/or harassment in writing if possible. Assistance should be provided in completing the Workplace Harassment Complaint Form where necessary.
2. The investigator should interview each of the above named people. If the alleged harasser(s) is not a worker of the employer, the investigator should make reasonable efforts to interview them.
3. Make a list of possible relevant witnesses. The worker who allegedly experienced workplace discrimination and/or harassment and the alleged harasser should be asked for names of any relevant witnesses.
4. The investigator should interview each of the above named witnesses, asking specific questions about what they have observed or experienced. If the witnesses are not workers of the employer, the investigator should make reasonable efforts to interview them.
5. Collect and review relevant documents from the worker, alleged harasser, witnesses and the employer.
6. Take detailed notes.
7. Keep the investigation confidential, asking all parties noted above to sign the Workplace Discrimination and/or Harassment Confidentiality Agreement.

#### **Investigation Questions:**

1. Questions will be customized for each investigation, and should include, but are not limited to:
  - a) Date of first and subsequent incidents;
  - b) Tangible details of each incident, for each date specified;
  - c) Names of parties involved at each incident: worker or other person, alleged harasser,

- and witnesses to each incident; and  
d) Identification of relevant documents.

The alleged harasser will need details of the allegation of discrimination and/or harassment to be able to respond. Questions to the alleged harasser will be the same or similar as to the worker, other person, and/or witnesses.

### **Collect Documentation:**

Collect all documentation noted throughout the investigation process and review for relevance and substantiation of all parties' comments.

### **Investigation Summary Report:**

This report is to include who was interviewed, what evidence was obtained including documentation, and the analysis of the evidence to determine whether workplace harassment occurred.

### **Recommended Next Steps:**

These are to be a direct result of the investigation and are to be presented with the Summary Report to the Chair and the relevant Department Head, Manager, and Supervisor.

Recommended next steps and substantiating results of the investigation will be provided in writing as applicable to employees who participated in the investigation.