



Woodstock Public Library Policy

Policy Name: Prevention of Workplace Violence and Harassment

Category: Personnel

Version: 14 April 2020

POLICY STATEMENT AND RATIONALE

This Policy recognizes that workplace harassment and violence may occur between the following:

- Library co-workers
- Library workers and visitors
- Library workers and clients/contractors
- Library workers and members of the public
- Library workers and family members

This policy applies to all work-related duties and activities which may occur at or away from the workplace.

Every employee of the Woodstock Public Library has the responsibility to ensure a healthy, safe, and respectful work environment.

SCOPE

This policy shall apply to all library staff, including but not limited to, workers, contractors, volunteers and Board members of the Woodstock Public Library Board.

DEFINITIONS

In reading and interpreting this policy, the following definitions shall apply:

“Complainant” means a person or persons filing a complaint against another person or persons.

“Domestic Violence” means a pattern of abusive behaviours by one or both partners in an intimate relationship such as marriage, dating, family, cohabitation, or friends.

Domestic violence may include but is not limited to:

- a) Physical aggression (*i.e. hitting, kicking, biting, shoving, restraining, throwing objects*), or threats thereof,
- b) Sexual abuse, emotional abuse, controlling or domineering behaviour, intimidation,
- c) Stalking (*i.e. unwelcome visits to the workplace, threatening phone calls and/or emails*), neglect, and economic deprivation.

“Employer” means a person who employs one or more workers or contractors for the services of one or more workers, and includes a contractor or subcontractor who performs work or supplies services, and a contractor or subcontractor who undertakes with an owner, constructor, contractor, or subcontractor to perform work or supply services.

“HSR” means Health and Safety Representative.

“JHSC” means Joint Health and Safety Committee

“Library” means the Woodstock Public Library.

“Library Board” means the Woodstock Public Library Board.

“MOL” means Ministry of Labour

“Respondent” means a person or persons who have a complaint filed against them.

“Supervisor” means Department Heads, Directors, Managers, Superintendents, and Supervisors.

“Worker” means a person who performs work or supplies services for monetary compensation; a secondary school student who performs work or supplies services for no monetary compensation under a work experience program authorized by the school board that operates that school in which the student is enrolled; a person who performs work or supplies services for no monetary compensation under a program approved by a college of applied arts and technology, university, private career college or other post-secondary institution; or such other persons as may be prescribed who perform work or supply services to an employer for no monetary compensation.

“Workplace” means any land, premises, location or thing at, upon, in or near which a worker works. For the purpose of this policy, this includes all library facilities, sponsored events and meetings, travel while on Library business, and any other location where Library business is being conducted.

“Workplace Harassment” means:

- 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 includes:
 - i. 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
 - ii. 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; or
- c) Workplace harassment can involve unwelcome words or actions, or a pattern of behaviours that are known or should be known to be offensive, embarrassing, humiliating, or demeaning to a worker or group of workers. It can also include behaviour that intimidates, isolates, or even discriminates against the targeted individual(s).

Examples of Workplace Harassment may include but isn't limited to:

- i. Making remarks, jokes, or innuendos that ridicule or intimidate.
- ii. Displaying or circulating offensive pictures or material in print or electronic form.
- iii. Bullying.
- iv. Repeated offensive or intimidating phone calls or electronic messages.
- v. Inappropriate sexual touching, advances, suggestions or requests.
- vi. Any offensive or harassing conduct based on race, ancestry, place of origin, colour, ethnic origin, citizenship, creed (religion), sex (including pregnancy and gender identity), sexual orientation, disability, age (18 and over, 16 and over in occupancy of accommodation), marital status (including same sex partners), family status, receipt of public assistance (in accommodation only), and record of offences (in employment only).

- d) Not considered to be Workplace Harassment:
Reasonable action or conduct by an employer, manager, or supervisor relating to the management and direction of workers or the workplace would not normally be considered workplace harassment. This is the case even if there are sometimes unpleasant consequences for a worker.

Examples can include but aren't limited to:

- i. Changes in work assignments, scheduling, job assessment and evaluation, workplace inspection,
- ii. Implementation of dress code, and disciplinary action.
 - a. Differences of opinion or minor disagreements between co-workers would also not generally be considered workplace harassment.

- b. Harassment does not refer to the occasional compliment or remark, accepted social banter, or good-natured jesting when both parties find the conduct agreeable. However, tolerance for such behaviour varies and accordingly good judgment must be exercised.
- iii. In addition, any behaviour that would meet the definition of *Workplace Violence* would not be considered to be *Workplace Harassment*.

“Workplace Violence” means:

- a) The exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker.
- b) An attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker.
- c) 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.

Examples of Workplace Violence may include but aren't limited to:

- i. Verbally threatening to attack a worker.
- ii. Leaving threatening notes at or sending threatening electronic messages to a workplace.
- iii. Shaking a fist in a worker's face.
- iv. Wielding a weapon at work.
- v. Hitting or trying to hit a worker.
- vi. Throwing an object at a worker.
- vii. Sexual violence against a worker.
- viii. Kicking an object a worker is standing on; *i.e.* ladder, step-stool.
- ix. Trying to run down/over a worker using a vehicle or equipment; *i.e.* book cart
- x. An accidental violent situation such as a worker tripping over an object and falling into/pushing a co-worker as a result.

POLICY, PROCEDURE AND IMPLEMENTATION

1.0 GENERAL POLICY STATEMENT

The Woodstock Public Library Board is committed to the principle of equal rights and opportunities for all employees and to providing and promoting a safe work environment. The Library will take all reasonable steps and abide by all applicable legal requirements to ensure that the workplace is free of violence, harassment, sexual harassment, fear of violence or harassment, threatening acts, and bullying conduct.

The Library Board recognizes a positive work environment is built upon mutual respect, inclusion, and a culture committed to health and safety. The Library will include risks of harassment and/or violence in job hazard assessments.

The Library Board is dedicated to this through an annual review of our program in consultation with the Joint Health & Safety Committee and Health & Safety Representatives.

The Library Board has a zero tolerance policy toward harassment of any kind, violence, threatening behavior, and bullying in the workplace. Harassment, violence, threatening behavior, and bullying by any worker will be viewed as a fundamental breach of the employment contract and will be subject to disciplinary action, up to and including dismissal.

The Library will maintain a zero tolerance policy for any verbal, non-verbal or physical behaviour that is threatening or harassing to self, others, property, or physical behaviour that actually does harm to self, others, or property that is initiated by any employee, Library worker family member, client, customer, visitor, contractor, or member of the public.

The Library will not tolerate reprisals or retaliation toward **any person** for complying with this policy. This includes those who report concerns and/or violent incidents, witness violent conduct, and/or cooperate with an investigation. Anyone who initiates reprisals or retaliation will be subject to disciplinary action, up to and including dismissal.

The Library will educate and inform all supervisors and workers of their rights and obligations and will provide procedures whereby any concerned employee may make an enquiry or lodge a complaint without reprisal.

2.0 APPLICATION

2.1 Responsibility

2.1.1 The CEO is responsible for implementing the appropriate procedures in order to ensure that Library staff understand and adhere to the intent of the policy.

2.2 Confidentiality

2.2.1 Information about complaints and incidents shall be kept confidential to the extent possible by all parties. Information obtained about an incident or complaint of workplace harassment and/or workplace violence, including identifying information about any individuals involved, will not be disclosed unless disclosure is necessary:

- a) to protect workers,
- b) to investigate the complaint/incident,
- c) to take corrective action or otherwise as required by the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) and/or other applicable legislation.

2.2.2 While the investigation is on-going, the worker who has allegedly experienced harassment and/or violence (*complainant*), the alleged respondent, and any witnesses shall not discuss the incident/complaint or the investigation with each

other or other workers or witnesses unless necessary to obtain advice about their rights.

- 2.2.3 The person(s) conducting the investigation may discuss the investigation and disclose the incident or complaint-related information only as necessary to conduct the investigation. All records of the investigation will be kept confidential, subject to MFIPPA.

2.3 Employer Responsibilities

2.3.1 The responsibilities of the employer include:

- a) Ensure that the working environment is maintained free of violence and harassment for every employee.
- b) Conduct risk assessments as needed to identify actual and/or potential workplace violence and harassment issues.
- c) Inform workers and/or the Joint Health & Safety Committee (JHSC) and Health & Safety Representatives (HSR) of the results of the hazard assessment.
- d) Review all applicable legal requirements and take all reasonable precautions to minimize or eliminate violence and harassment-related issues.
- e) Establish procedures for preventing, reporting, investigating, documenting, and mitigating incidents of violence and harassment.
- f) Ensure workers are provided with information and instruction that is appropriate for the worker on the contents of the policy and procedure with respect to the prevention of workplace violence and harassment.
- g) Take every precaution reasonable in the circumstances for the protection of the workers, if management is aware or ought to be aware, that domestic violence that would likely expose workers to physical injury may occur in the workplace.
- h) Provide information, including personal information, related to a risk of workplace violence from a person with a history of violent behaviour if a worker can be expected to encounter that person in the course of his or her work and the risk of workplace violence is likely to expose that worker to physical injury.
- i) Review the violence and harassment prevention program at minimum annually in consultation with the JHSC and HSRs.

2.4 Supervisor Responsibilities

2.4.1 The responsibilities of supervisors include:

- a) Act respectfully toward others at work and while conducting work-related activities.
- b) Promote and encourage reporting incidents of violence and harassment.
- c) Maintain records of violence and harassment-related complaints, issues, concerns, and investigations.
- d) Assist in investigating claims of violence, harassment, and domestic violence.

- e) If a worker may be at risk of workplace violence from a person with a history of violent behaviour, or, if a worker can be expected to encounter that person in the course of his or her work, and the risk of workplace violence is likely to expose that worker to physical injury, the supervisor shall provide information, including personal information to the worker(s) that may be at risk.
- f) Address or investigate incidents of violence and harassment:
 - i. By workers in their areas of responsibility.
 - ii. By workers **not** in their areas of responsibility by informing the appropriate supervisor.
 - iii. On becoming aware of by personal observation even if a formal complaint has not been lodged.

2.5 Worker Responsibilities

2.5.1 The responsibilities of workers include:

- a) Act respectfully at work and while conducting work-related activities.
- b) Attend training and education sessions when required.
- c) Immediately report to Supervisor incidents and/or knowledge of workplace violence or harassment.
- d) Cooperate with investigations.
- e) Follow the measures and procedures set out in the Library's violence and harassment prevention program.
- f) The worker should keep a written record of the nature of the alleged violence or harassment, (i.e. date(s), time, location).

3.0 REPORTING PROCEDURE

3.1 Informal Reporting Procedure

- a) If you feel that you are being harassed or threatened, the first thing to do is to tell the person to stop. Do so as soon as you receive any unwelcome comments or conduct. Although this may be difficult to do, telling the person you don't like their actions is often enough to stop the behaviour.

Examples of things to say to stop the behavior may 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..."*
 - *"I don't like it when you say..."*
- b) If you are not comfortable confronting the person initiating the harassment/ threats, you may request a facilitated discussion between you, the other person, and your Supervisor.
- c) If you believe that someone who is not an employee has harassed, discriminated, or threatened to commit a violent act against you (*this may include Domestic Violence*), immediately report the harassment to your

- Supervisor. Although the Library has limited control over third parties, it will do its best to address the issue and prevent further problems from arising,
- d) Ensure the issue is documented and retain the documentation for your own records.

3.2 Formal Reporting Procedure

- a) If the complaint is of a serious nature or you feel intimidated and/or uncomfortable resolving the matter on an *informal* basis (section 3.1), you may bring a formal complaint to your Supervisor.
- b) It is important to report your complaint as soon as possible so that the issue can be investigated to prevent escalation or reoccurrence.
- c) If you are not comfortable reporting the incident to your Supervisor or if the Supervisor is the source or cause of the violence or harassment, you may report your complaint to any other Supervisor.
- e) Individuals initiating a formal complaint will need as much written information as possible, examples can be but aren't limited to:
 - Including the name(s) of the offending person(s).
 - The location, date and time of the incident.
 - Names of any possible witnesses.
- f) Union representation may be invited to attend during the investigative interview at either side's request.

3.3 Secondary Reporting Procedure

3.3.1 Failing correction of the circumstance through the *Formal Reporting Procedure* (3.2), a formal written complaint may be lodged by one of the following means:

- a) Submit a formal complaint with the Human Resources Department, or,
- b) If applicable, file a formal grievance under the Collective Agreement, or,
- c) Submit a complaint to the Ontario Human Rights Commission, or,
- d) Contact the Ministry of Labour.

3.3.2 It is understood that a person in choosing one complaint procedure, does not lose the right to elect one other process as long as the complaint remains unresolved.

4.0 INVESTIGATION PROTOCOL

4.1.1 Upon receipt of a formal complaint an investigation will commence. Please note that the Library will not investigate anonymous complaints unless there are extenuating circumstances.

4.1.2 Depending on the nature of the complaint, the Library or the complainant may choose to contact the police to assist and/or conduct an investigation in situations where workplace violence or harassment has occurred.

4.1.3 The services of an impartial external investigator who possesses appropriate knowledge, experience, and/or qualifications may be used to conduct the investigation if deemed necessary / appropriate by the Library, or the Ministry of Labour.

4.1.4 The investigation may include but is not limited to:

- Interviewing the complainant and respondent to ascertain all of the facts and circumstances relevant to the complaint
- Obtain date(s), time(s) and locations of alleged complaint
- Interview witnesses, if any
- Review any related documentation
- Compile detailed notes of the investigation and maintain them in a confidential manner.

4.1.5 Upon completion of the investigation, a detailed report of the findings will be prepared and forwarded to the applicable Department Manager and the Library CEO.

4.1.6 In the event the respondent is the complainant's direct Supervisor or Department Head, the report of the findings will be forwarded to the Library CEO.

4.1.7 The Library will communicate the status of the investigation with the complainant and the respondent within 14 days of receiving the complaint. The final results of the investigation will be communicated as soon as the investigation is completed.

4.1.8 Full-time and Part-time employees affected by an incident will be encouraged to use the free counselling services provided by the Library's *Employee and Family Assistance Program (EFAP)*.

5.0 INVESTIGATION RESULTS AND CORRECTIVE ACTIONS

5.1 Substantiated Evidence Following Investigation

5.1.2 The Library will take appropriate corrective measures, regardless of the respondent's seniority or position.

5.1.3 The responsible Department Head will, in consultation with the Director of Human Resources determine what action should be taken as a result of the investigation.

5.1.4 In the event the respondent is the complainant's direct Supervisor or Department Head, the CEO, in consultation with the Director of Human Resources will determine what action should be taken as a result of the investigation.

5.1.5 Corrective measures may include but aren't limited to:

- a) Discipline, such as a verbal warning, written warning or suspension
- b) Referral for mandatory counseling (i.e. anger management or sensitivity training)

- c) Reassignment or transfer
- d) A demotion or denial of a promotion
- e) Termination, or,
- f) Other disciplinary action deemed appropriate under the circumstances.

5.1.6 The results of the investigation including corrective action that has been taken (if any) will be furnished in writing to the complainant and the respondent.

5.1.7 Disciplinary action(s) will be recorded as part of the worker's (respondent) disciplinary record.

5.2 Unsubstantiated Evidence Following Investigation

5.2.1 Corrective measures will not be taken if the evidence of violence or harassment is unsubstantiated following an investigation.

5.2.2 Unsubstantiated allegations will not result in negative consequences to the complainant, witnesses or alleged harasser, and no record of the complaint will appear on the worker's file if the parties acted in good faith and without malice.

5.3 False Allegations

5.3.1 Allegations of violence or harassment which are proven to have been made falsely will result in disciplinary action being taken against the complainant.

6.0 NOTIFICATIONS

6.1 The Criminal Code of Canada deals with violent acts, threats, and threatening behaviour. Police should be immediately contacted when acts of violence have occurred in the workplace or when someone in the workplace is threatened with violence.

6.2 Where a person is killed or critically injured from any cause at a workplace including *Workplace Violence*, the employer shall notify an inspector, the JHSC or health and safety representative (HSR), and trade union (if any), immediately of the occurrence by telephone, or other direct means and the employer shall, within forty-eight hours after the occurrence, send to the Director of the Ministry of Labour a written report of the circumstances of the occurrence containing such information and particulars as the regulations prescribe. (*Sec 51. OHS*)

6.3 If a person is disabled from performing his or her usual work or requires medical attention because of an accident, explosion, fire or incident of workplace violence at a workplace, but no person dies or is critically injured because of that occurrence, the employer shall, within four days of the occurrence, give written notice of the occurrence containing the prescribed information and particulars to the following:

- The JHSC or the health and safety representative (HSR), and the trade union (if any).

- The Director, if an inspector requires notification of the Director. (Sec 52. OHSA)

7.0 REFERENCED AND RELATED DOCUMENTS

- Bill 168, Act to amend the *Occupational Health and Safety Act* (OHSA)
- *Occupational Health and Safety Act* (OHSA)
- Ministry of Labour Guideline – *Workplace Violence and Harassment: Understanding the law*
- *Ontario Human Rights Code*
- *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA)
- Bill 132, *Sexual Violence and Harassment Action Plan Act* (Supporting Survivors and Challenging Sexual Violence and Harassment), 2016
- MOL Code of Practice to Address Workplace Harassment under Ontario's Occupational Health and Safety Act

DOCUMENT REVISION RECORD

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