



# Woodstock Public Library Policy

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<b>Category:</b>	Personnel
<b>Policy Number:</b>	4.5.2
<b>Policy Name:</b>	Prevention of Workplace Violence and Harassment
<b>Revision:</b>	November 20, 2018

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## **1.0 SCOPE OF POLICY & PROCEDURE**

- 1.1** This Policy recognizes that workplace harassment and violence may occur between the following:
- co-workers,
  - employees and visitors,
  - employees and client/contractors ,
  - employees and members of the public,
  - employees and family members.
- 1.2** This policy applies to all work related duties and activities which may occur at or away from the workplace.
- 1.3** Every employee of the Woodstock Public Library has the responsibility to ensure a healthy, safe, and respectful work environment.

## **2.0 DEFINITIONS**

### **2.1 Workplace**

For purposes of this Policy, includes ALL Library facilities, sponsored events and meetings, travel while on Library business, and any other location where Library business is being conducted. Harassment which occurs outside the workplace but which may adversely impact employee relationships may also be defined as workplace harassment.

### **2.2 Workplace Violence**

- 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 it 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.

### 2.2.1 Examples of Workplace Violence

Workplace Violence may include but isn't limited to:

- verbally threatening to attack a worker,
- leaving threatening notes at or sending threatening electronic messages to a workplace,
- shaking a fist in a worker's face,
- wielding a weapon at work,
- hitting or trying to hit a worker,
- throwing an object at a worker,
- sexual violence against a worker,
- kicking an object a worker is standing on; *i.e.* ladder, step stool,
- trying to run down/over a worker using a vehicle or equipment; *i.e.* forklift.

### 2.2.2 Accidental Violent Situations

An accidental violent situation may include but is not limited to:

- a worker tripping over an object and falling into/pushing a co-worker as a result.

## 2.3 Workplace Harassment

- 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;
  - 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 advances 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.

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).

### 2.3.1 Examples of Workplace Harassment

Workplace Harassment may include but isn't limited to:

- making remarks, jokes, or innuendos that ridicule or intimidate,
- displaying or circulating offensive pictures or material in print or electronic form,
- bullying,
- repeated offensive or intimidating phone calls or electronic messages,
- inappropriate sexual touching, advances, suggestions or requests,
- any offensive or harassing conduct based on race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, age, record of offences, marital status, family status, disability, sexual orientation, or sex.

### **2.3.2 Not considered to be Workplace Harassment**

- Reasonable action or conduct by an employer, manager, or supervisor that is part of his or her normal work function 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 changes in work assignments, scheduling, job assessment and evaluation, workplace inspection, implementation of dress code, and disciplinary action,
- differences of opinion or minor disagreements between co-workers would also not generally be considered workplace harassment,
- 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,
- in addition, any behaviour that would meet the definition of *Workplace Violence* would not be considered to be *Workplace Harassment*.

### **2.4 Domestic Violence**

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 physical aggression (*i.e. hitting, kicking, biting, shoving, restraining, throwing objects*), or threats thereof, sexual abuse, emotional abuse, controlling or domineering behaviour, intimidation, stalking (*i.e. unwelcome visits to the workplace, threatening phone calls and/or emails*), neglect, and economic deprivation.

### **2.5 Complainant**

Person or persons filing a complaint against another person or persons.

### **2.6 Respondent**

Person or persons who have a complaint filed against them.

### **2.7 Corporation**

**The Woodstock Public Library Board** herein referred to as *the Library*.

### **2.8 Supervisor**

Includes Department Heads, Directors, Managers, Superintendents, and Supervisors.

### **2.9 JHSC**

Joint Occupational Health and Safety Committee.

### **2.10 HSR**

Health and Safety Representative.

### **2.11 MOL**

Ministry of Labour.

### **3.0 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 harassment, violence, fear of violence or harassment, threatening acts, and bullying conduct. The Library 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 every job hazard assessment.

The Library has a zero tolerance policy toward harassment, violence, threatening behavior, and bullying in the workplace. Harassment, violence, threatening behavior, and bullying by any employee 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, employee 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 managers, supervisors and employees of their rights and obligations, and will provide procedures whereby any concerned employee may make an enquiry or lodge a complaint without reprisal.

### **4.0 APPLICATION**

#### CONFIDENTIALITY – ALL PARTIES

Information about complaints and incidents shall be kept confidential to the extent possible. 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;

- to protect workers,
- to investigate the complaint/incident,
- 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.

While the investigation is ongoing, 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.

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.

#### **4.1 Employer Responsibilities**

- 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 and Safety Committee (JHSC) 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, 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 Joint Health and Safety Committee.

#### **4.2 Supervisor Responsibilities**

- 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 Department Head or 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 employees in their areas of responsibility,
  - ii. by employees **not** in their areas of responsibility by informing appropriate supervisor or manager,
  - iii. on becoming aware of by personal observation even if a formal complaint has not been lodged.

### **4.3 Worker Responsibilities**

- a) Act respectfully at work and while conducting work related activities,
- b) attend training and education sessions when required,
- c) immediately report to Supervisor or Department Head incidents and/or knowledge of workplace violence or harassment,
- d) cooperate with investigations,
- e) follow the measures and procedures set out in the Woodstock Public Library's violence and harassment prevention program,
- f) the employee should keep a written record of the nature of the alleged harassment, date(s).

## **5.0 REPORTING PROCEDURE**

### **5.1 Informal Reporting Procedure**

- a) If you believe that you are being harassed, 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. "I don't want you to do that."
  - ii. "Please stop doing or saying..."
  - iii. "It makes me uncomfortable when you..."
  - iv. "I don't find it funny when you..."
  - v. "I don't like it when you say..."
- b) 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,
- c) ensure the issue is documented and retain the documentation for your own records.

### **5.2 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 5.1), 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 Department Head *or* if the Supervisor or Department Head is the source or cause of the violence or harassment, you may report your complaint to another Supervisor or Department Head.
- d) individuals initiating a formal complaint will need as much written information as possible, examples can be but aren't limited to:
  - i. including the name(s) of the offending person(s),
  - ii. the location, date and time of the incident,
  - iii. names of any possible witnesses.,

- e) union representation may be invited to attend during the investigative interview at either side's request.

*Violence & Harassment Reporting Form* is available from Administration.

### **5.3 Secondary Reporting Procedure**

Failing correction of the circumstance through the *Formal Reporting Procedure* (5.2), a formal written complaint may be lodged by one of the following means:

- a) submit a formal complaint with the Chief Executive Officer,
- b) if applicable, file a formal grievance under the Collective Agreement,
- c) submit a complaint to the Ontario Human Rights Commission,
- d) contact the Ministry of Labour.

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

## **6.0 INVESTIGATION PROTOCOL**

- a) 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,***
- b) if deemed necessary/appropriate by either the Library or the complainant, the police may be contacted to assist and/or conduct an investigation in situations where workplace violence has occurred,
- c) 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;
  - i. the Library, or
  - ii. the Ministry of Labour,
- d) the investigation may include but is not limited to;
  - i. interviewing the complainant and respondent to ascertain all of the facts and circumstances relevant to the complaint,
  - ii. obtain date(s),time(s) and locations of alleged complaint - interview witnesses, if any,
  - iii. review any related documentation,
  - iv. compile detailed notes of the investigation and maintain them in a confidential manner,
- e) upon completion of the investigation, a detailed report of the findings will be prepared and forwarded to the applicable Department Head and the CEO,
- f) in the event the respondent is the complainant's direct Supervisor or Department Head, the report of the findings will be forwarded to the CEO,
- g) 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 in writing as soon as the investigation is completed,
- h) employees affected by an incident will be encouraged to use the free counselling services provided by the Library's *Employee Assistance Program (EAP)*.

## **7.0 INVESTIGATION RESULTS AND CORRECTIVE ACTIONS**

### **7.1 Substantiated Evidence Following Investigation**

- a) The Library will take appropriate corrective measures, regardless of the respondent's seniority or position,
- b) the responsible Department Head will, in consultation with the Manager of Human Resources determine what action should be taken as a result of the investigation,
- c) in the event the respondent is the complainant's direct Supervisor or Department Head, the CEO, in consultation with the Manager of Human Resources City of Woodstock will determine what action should be taken as a result of the investigation,
- d) corrective measures may include but aren't limited to:
  - i. discipline, such as a verbal warning, written warning or suspension,
  - ii. referral for mandatory counseling (i.e. anger management or sensitivity training),
  - iii. reassignment or transfer,
  - iv. a demotion or denial of a promotion,
  - v. termination, or
  - vi. other disciplinary action deemed appropriate under the circumstances,
- e) 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,
- f) disciplinary action(s) will be recorded as part of the employee's disciplinary record.

### **7.2 Unsubstantiated Evidence Following Investigation**

- a) Corrective measures will not be taken if the evidence of violence or harassment is unsubstantiated following an investigation,
- b) 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 employees' file if the parties acted in good faith and without malice.

### **7.3 False Allegations**

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

## **8.0 NOTIFICATIONS**

**8.1** 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.

**8.2** Where a person is killed or critically injured from any cause at a workplace including *Workplace Violence*, the employer shall notify an Inspector, the Health and Safety Committee, and trade union, 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. OHSa)

- 8.3 If a worker is disabled from performing his or her regular duties 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 committee, the health and safety representative and the trade union, if any,
  - the Director, if an inspector requires notification of the Director (sec 52 OHSa).

## **9.0 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
- 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

***\*Workplace violence and harassment is prohibited by the Ontario Human Rights Code and the Occupational Health and Safety Act (OHSa). The administration of this policy will be in accordance with the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA).***

This is to acknowledge that:

**(print name)**

**(print date)**

I, \_\_\_\_\_ on \_\_\_\_\_

did receive copy of the Woodstock Public Library Board’s *Workplace Violence & Harassment Prevention Policy and Procedure* and have been trained on its contents and application.

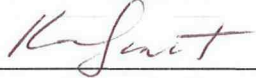
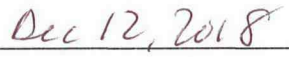
Signature: \_\_\_\_\_

Library Administrator’s Signature: \_\_\_\_\_

**DOCUMENT REVISION RECORD**

Revision Level	Revision Date	Change
1.0	Date	Initial Release
2.0	Date	Reviewed & Updated
3.0	June 23, 2017	Added confidentiality requirements to section 4.0 APPLICATION. Amended the distribution of the investigation results in 6e, 6f, and 7.1e. Amended language in 5.2a. Added reference to MOL Code of Practice in section 9.0.

**APPROVAL**

CEO	Board Chair	Date
 Karen Scott	 Chris Landry	 Dec 12, 2018