Policy Type: Human Resources **Policy Number: HR-07**

Policy Title: Workplace Harassment and Discrimination

Initial Policy Approval Date: July 21, 2010
Last Review / Revision Date: October 2024
Year of Next Review: October 2025

Objective

To establish guidelines to ensure that discrimination and harassment is not tolerated in the Township of Madawaska Valley Public Library (the Library) or at any location where Library functions and services may be conducted.

Scope

The Library recognizes the dignity and worth of every person and is committed to providing a workplace free from discrimination and harassment, and ensuring that any complaint is resolved quickly and with fairness and confidentiality.

Managers, supervisors, members of the Township of Madawaska Valley Public Library Board (the Board), staff, volunteers and clients are expected to uphold this policy. Workplace discrimination or workplace harassment will not be tolerated from any person in the Library (or at any location where library functions and services may be conducted), including Board members, supervisors, co-workers, volunteers, family members, patrons, and members of the public.

Section 1: Definitions

1. The **Occupational Health and Safety Act** (OHSA) defines "workplace harassment" and "workplace sexual harassment" as follows:

   a) "Workplace harassment" means,
      i. 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
      ii. workplace sexual harassment;

   b) "Workplace sexual harassment" means,
      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;

2. 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).

a) Within this context, discrimination may include abuse of authority or position of power as follows:
   i. to endanger an employee's job
   ii. to undermine the performance of that job
   iii. to threaten the economic livelihood of an employee
   iv. to interfere with or influence the career of an employee in any way

Section 2: Workplace Harassment

1. Within the **Ontario *Human Rights Code***, every person who is an employee has a right to freedom from harassment in the workplace by the employer or agent of the employer or by another employee.
2. The Library recognizes the definition of workplace harassment as set out in the ***Occupational Health and Safety Act*** (OHSA) which defines "workplace harassment" as engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known as unwelcome. As of September 2016, workplace harassment includes "workplace sexual harassment", that is, 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 or making a sexual solicitation or advance and the person knows or ought reasonably to know that the solicitation, advance, comment or conduct is unwelcome.
3. 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.
4. Prohibited harassment in the Library workplace includes grounds under the Ontario *Human Rights Code* (race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offences, marital status, family status or disability).
5. The *Occupational Health and Safety Act* does not prescribe the nature of harassment, however, prohibited harassment in the Library workplace includes that which is personal in nature and not necessarily based on identification with a recognized group.
6. Harassment may include:
   a. Making remarks, jokes or innuendos that demean, ridicule, intimidate or offend
   b. Displaying or circulating offensive pictures or materials in print or electronic form
   c. Bullying
   d. Repeated offensive or intimidating phone calls or e-mails
   e. Inappropriate sexual advances, suggestions or requests
7. Uninvited sexual touching will be considered assault and reported to police.
8. A reasonable action taken by an employee or supervisor relating to the management and direction of workers or the workplace, within the conditions of the *Occupational Health and Safety Act* is not workplace harassment.

Section 3: Responsibilities and False Reports

1. The Chief Executive Officer (CEO) must develop and maintain a workplace discrimination and harassment program. See Appendix A of this policy for a copy of the current program.
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
3. The Board prohibits any form of retaliation against an employee who files a discrimination or harassment complaint or assists in the investigation of a complaint.
4. Employees who are found to have made false or malicious complaints will be subject to disciplinary action.
5. This policy (HR-07) and the Workplace Discrimination and Harassment Program (HR07-Appendix A) will be:
    a. Reviewed by the Board as often as necessary but at least annually
    b. Posted in the staff room

Related Documents:
Human Rights Code R.S.O. 1990 CHAPTER H.19, section 5(1)
Occupational Health and Safety Act R.S.O. 1990, CHAPTER 0.1
Bill 132: An Act to amend various statutes with respect to sexual violence, sexual harassment, domestic violence and related matters (Statutes of Ontario, 2016, Chapter 2)
Bill 168: An Act to amend the *Occupational Health and Safety Act* with respect to violence and harassment in the workplace and other matters. (Statutes of Ontario, 2009, Chapter 23)
Policy Number HR-08: **Prevention of Workplace Violence**
Policy Number OP-02: **Safety, Security and Emergency**

Appendix A

Program to Address Discrimination and Workplace Harassment

1. Awareness of Discrimination and Workplace Harassment Policy and Program

The *Workplace Harassment and Discrimination Policy* (HR-07) will be included in the Library's policy binder and will be posted in the staff area along with this Workplace Harassment Program information (HR-07-Appendix A).

2. Training on Discrimination and Workplace Harassment Policy and Program

All employees and volunteers will receive information and instruction, if possible, on the contents of policy HR-07 and the related program, as part of the initial orientation and renewed 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

The Board encourages any employee or volunteer who believes that they have been subjected to discrimination or workplace harassment to discuss the situation with the CEO. 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 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, the employee lodging the complaint has the right to be represented and accompanied by a person of his or her choice. The same right is also granted to the person against whom the complaint has been lodged.

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

Any related documents or materials having to do with the complaint are to be made available.

In the case of harassment, information about the incident or complaint, including identifying information about any individual involved will be keep confidential unless disclosure is necessary for the purpose of investigation or taking corrective action, or required by the law.

3. Complaint Investigation and Resolution Procedures

An investigation that is appropriate in the circumstances will be conducted into incidents and complaints of harassment. The CEO 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 their designate begins 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.