



Woodstock Public Library Policy

Policy Name: Prevention of Workplace Violence and Harassment

Category: Personnel

Version: 10 January 2021

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.

“MLTSD” means Ministry of Labour, Training, and Skills Development

“OHRC” means Ontario Human Rights Commission

“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.
- iii. Differences of opinion or minor disagreements between co-workers would also not generally be considered workplace harassment.
- iv. 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.

Workplace Violence is NOT 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. Workers in violation of this policy are accountable for their behaviour and may be subject to disciplinary action up to and including termination. External parties in violation of this policy may have their contract terminated and be refused access to the workplace.

The Library maintains 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 causes or threatens 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 does 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 or inappropriate 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 educates and informs all supervisors and workers of their rights and obligations and has developed procedures for reporting and enquiring.

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 All parties involved in the investigation, or who reported or witnessed the alleged behaviour, shall maintain strict confidentiality of all information except for reporting of an investigation, participating in an investigation, and providing information to law enforcement or other governing body as required; both throughout the investigation and afterward.

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 and the OHRC.

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 person.
- 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) 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.
- h) 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.

2.5 Worker Responsibilities

2.5.1 The responsibilities of workers include:

- a) Report all instances of workplace violence, harassment, or discrimination of which they are aware; immediately or within 24 hours of the incident, to ensure timely response and corrective action.
- b) Act respectfully at work and while conducting work-related activities.
- c) Attend training and education sessions when required.
- d) Immediately report to Supervisor incidents and/or knowledge of workplace violence or harassment.
- e) Cooperate with investigations.
- f) Follow the measures and procedures set out in the Library's violence and harassment prevention program.

3.0 REPORTING PROCEDURE

3.1 Self Help

- a) If you feel that you are being harassed or threatened, and you feel comfortable and confident and it is appropriate, the first step is to tell the person their conduct is unwelcome. Do so as soon as you receive any unwelcome comments or conduct.
- b) Report the incident to the supervisor regardless of the outcome.
- 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.

3.2 Management Intervention

- a) Report directly to your supervisor if:
 - Step 3.1 is not appropriate in the situation;

- You are not comfortable with step 3.1; or
 - You witness an incident and are not directly involved.
- b) The supervisor will address the matter as appropriate to the situation (which may include a documented discussion, investigation, conflict resolution, or other corrective action).
 - c) If the Supervisor deems that the situation requires more formal resolution and the decision and expertise of a higher authority or specialist, the Supervisor shall report the incident to Management.
 - d) It is important to report your complaint as soon as possible so that the issue can be investigated to prevent escalation or reoccurrence.

3.3 Formal Report

- a) You are directed to file a formal written report:
 - i. If you are not comfortable reporting the incident to your Supervisor;
 - ii. If informal means of resolution are inappropriate or ineffective;
 - iii. If requested by Management; or
 - iv. If the Supervisor is the alleged perpetrator.
- b) Individuals initiating a formal complaint shall use the violence and harassment report, or provide the information in a written letter that includes:
 - The name(s) of the offending person(s) and any witnesses,
 - The location, date and time of the incident, and
 - Details of the incident, behaviour, circumstances.
- c) Submit the report to the Supervisor, or if the supervisor is the alleged perpetrator, to the next highest level of authority in the workplace.

If Management or the Board are the alleged perpetrators, submit your report to the designated independent third party:

- Ward & Uptigrove Human Resources Solutions at
HRresults@w-u.on.ca

4.0 INVESTIGATION PROTOCOL

- 4.1.1 Upon receipt of a formal report an investigation will commence.
- 4.1.2 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.
- 4.1.3 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, and
- Compile detailed notes of the investigation and maintain them in a confidential manner.

Note: Union representation may be invited to attend during the investigative interview at either side's request.

- 4.1.4 Management shall make all reasonable efforts to complete the investigation as soon as reasonably possible, and attempt to complete the investigation within 45 days, as dependent on the specific circumstances.
- 4.1.5 Upon completion of the investigation, a detailed report of the findings will be prepared and forwarded to the appropriate Management personnel and including the Library CEO and the Board as suitable in the circumstances.
- 4.1.6 The Library will communicate the findings of the investigation with the complainant and the respondent once the investigation is completed.
- 4.1.7 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 Supervisor, Manager, CEO, or the Board, shall determine the most appropriate actions for resolution, as per the investigation findings.
- 5.1.4 Corrective measures may include but aren't limited to:
- a) Discipline, such as a verbal warning, written warning, suspension, up to and including termination; as appropriate.
 - b) Referral for mandatory counseling (i.e. anger management or sensitivity training).
 - c) Updating security measures and protocols.
 - d) Training and education for staff.
 - e) Removal of a customer or contractor from the premises.

Note: Disciplinary action for violations of this policy and program will be considered by the nature and impact of the violations and be in accordance with the Library's Progressive Discipline policy.

5.1.5 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, as appropriate and respecting MFIPPA and other confidentiality obligations

5.2 Unsubstantiated Evidence Following Investigation

5.2.1 In the event the claim(s) is unsubstantiated, Management may implement corrective actions, appropriate to the situation, to maintain a respectful and productive workplace.

5.2.2 Unsubstantiated allegations will not result in negative consequences to the complainant, witnesses or alleged harasser.

5.3 False Allegations

5.3.1 Deliberate false and malicious accusations are serious and will result in disciplinary action up to and including termination. An unsubstantiated claim does not mean that there was a deliberate false allegation.

6.0 NOTIFICATIONS

6.1 Notify the Police if there is immediate danger to any person from violent behaviour.

REFERENCED AND RELATED DOCUMENTS

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)

MLTSD Code of Practice to Address Workplace Harassment under Ontario's Occupational Health and Safety Act

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