



SUBJECT: EMPLOYMENT - RESPECTFUL WORKPLACE, HARASSMENT & VIOLENCE PREVENTION POLICY

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PURPOSE

The Innisfil Public Library Board is committed to maintaining a work environment that is conducive to personal and professional growth, and that strives to ensure that everyone is treated with dignity, respect, and inclusion. The Library is committed to providing a healthy and safe work environment that is free from bullying, discrimination, retaliation, violence and harassment, including sexual harassment.

Employees have the right to a workplace free from discrimination and harassment in accordance with the Ontario *Human Rights Code* (the “Code”), the *Occupational Health and Safety Act* (“OHS”) and the *Accessibility for Ontarians with Disabilities Act* (AODA).

The purpose of this Respectful Workplace, Harassment and Violence Prevention Policy (the “Policy”) is to establish programs and procedures to:

- Minimize and prevent workplace discrimination, harassment and violence from taking place, as well as to act on incidents and complaints of such behaviour quickly and fairly with due regard to confidentiality.
- Ensure the safety and security of library staff and other third parties in the workplace.
- Ensure that all library employees are aware of, and consistently comply with the policy at all times.

POLICY

Application

This policy applies to all Board Members, Staff, customers, volunteers, community partners, consultants and contractors. All members of the Library's workplace community are expected to meet individual responsibilities as outlined in this policy.

This policy also applies to any location in which employees or other members of the workplace community engage in work-related activities. This includes, but is not limited to:

- The workplace.
- During work-related travel.
- At restaurants, hotels or meeting facilities that are being used for business purposes.
- In library owned or leased facilities.
- During telephone, email and other communications, including, but not limited to social media.
- Dialogue that extends from the workplace about work or workplace relations, as well as comments made on social media pertaining to, or associated with employees, work or the workplace.
- Any work-related social events, regardless of whether they are sponsored by the library.

This policy also applies to situations in which employees encounter harassment, discrimination, or violence in the workplace by individuals who are not Library employees, such as suppliers, contractors, consultants, third party service providers, members/representatives of partner organizations, clients, their families, customers, community stakeholders, and other members of the public. However, the available remedies may be constrained by the situation and the fact that these individuals are not Library employees. Library employees are also obligated to ensure that their comments and conduct do not harass or discriminate against individuals who are not Library employees.

Nothing in this policy will limit:

- The rights of any employee to refuse unsafe work.
- The Library's right to respond to any incident. This policy is a complaint and incident driven policy, meaning that nothing in it will limit the library's right to respond to incidents of bullying, discrimination, retaliation, violence, and harassment, including sexual harassment.

- The Library’s right to discipline. Nothing in this policy will limit, or otherwise affect the right of the Library to discipline employees, whether or not their action was accompanied by an act of bullying, discrimination, retaliation, violence and harassment, including sexual harassment.

Definitions

Balance of Probabilities: a standard that is used to determine if an event did or did not occur. In a case where harassment is found based on a balance of probabilities, the evidence provided has determined that the occurrence of the event was more likely to have happened than to not have happened.

Complainant: an individual making a complaint regarding alleged breach of Policy.

Discrimination:

i) Workplace Discrimination

Workplace discrimination includes any distinction, exclusion or preference based on the protected grounds in the Ontario Human Rights Code, which nullifies or impairs equality of opportunity or equality in the terms and conditions of employment.

Discrimination does not have to be intentional to be unlawful. Discrimination may be direct, indirect, or systemic.

Indirect discrimination may result from practices or policies that appear to be neutral but have a negative impact on certain groups or individuals because of their membership in particular groups. Systemic discrimination refers to patterns of behaviour, policies or practices that are part of the structures of an organization which create or perpetuate disadvantage based on a protected ground.

The Human Rights Code prohibits differential treatment based on prohibited ground. The protected grounds of discrimination are:

- Race, colour, ancestry
- Citizenship
- Ethnic origin
- Place of origin
- Creed, including religion

- Age
- Gender identity and gender expression
- Sexual orientation
- Sex (including pregnancy and breastfeeding)
- Marital status (including married, single, widowed, divorced, separated or living in a conjugal relationship outside of marriage, whether in a same-sex or opposite-sex relationship)
- Family status (such as being in a parent and child relationship)
- Disability or perceived disability (including mental, physical, developmental, or learning disabilities, as well as drug and alcohol dependency)
- Record of offences for which a pardon has been granted under the criminal records act (Canada) and has not been revoked, or an offence in respect of any provincial enactment

ii) Discriminatory Harassment

Discriminatory harassment includes comments or conduct based on the protected grounds in the Ontario Human Rights Code, which the recipient does not welcome or that offends them.

The Ontario Human Rights Code defines harassment as:

Engaging in a course of vexatious (i.e., annoying or provoking) comment or conduct which is known or ought reasonably to be known to be unwelcome.

Some examples of discriminatory harassment include:

- Offensive comments, jokes or behaviour that disparage or ridicule a person's membership or perceived membership in one of the protected grounds, such as race, religion or sexual orientation.
- Unequal treatment or offensive comments, jokes or behaviour based on an individual's association or relationship with a person identified by a protected ground.
- Imitating a person's accent, speech, or mannerisms.
- Persistent or inappropriate questions about whether a person is pregnant, has children or plans to have children.
- Inappropriate comments or jokes about an individual's age, sexual orientation, or sex.

- Words or actions that are known or should be known to be offensive, embarrassing, humiliating, demeaning or unwelcome, based on a protected ground.

Harassing comments or conduct can poison someone's working environment, making it a hostile or uncomfortable place to work, even if the person is not being directly targeted. This is commonly referred to as a poisoned working environment, which is a form of harassment defined below.

iii) Sexual and Gender-Based Harassment

Sexual harassment includes conduct or comments of a sexual nature that the recipient does not welcome or that offends them. Sexual and gender-based harassment also includes negative or inappropriate conduct or comments that are not necessarily sexual in nature, but which are demeaning to an individual because of their gender or sex. Comments or conduct of a sexual nature or that are based on gender or sex that are not necessarily directed at a particular individual but are unwelcome or offensive to an individual or group, can also constitute sexual or gender-based harassment.

The Ontario Human Rights Code provides protection from sexual harassment in employment as follows:

- (i) Every person who is an employee has a right to freedom from harassment in the workplace because of sex, sexual orientation, gender identity or gender expression by their employer or agent of the employer or by another employee.
- (ii) Every person has a right to be free from a sexual solicitation or advance made by a person in a position to confer, grant or deny a benefit or advancement to the person where the person making the solicitation or advance knows or ought reasonably to know that it is unwelcome; or a reprisal or a threat of reprisal for the rejection of a sexual solicitation or advance where the reprisal is made or threatened by a person in a position to confer, grant or deny a benefit or advancement to the person.

The Occupational Health and Safety Act defines workplace sexual harassment as:

- (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.

Anyone can be a victim or perpetrator of sexual or gender-based harassment. Some examples of sexual or gender-based harassment include:

- Sexual advances or demands that the recipient does not welcome or want.
- Unwelcome solicitation or advances from a manager, supervisor or other person who has the power to reward or punish the employee.
- Threats, punishment or denial of a benefit for refusing a sexual advance.
- Offering a benefit in exchange for a sexual favour.
- Leering (persistent inappropriate staring).
- Displaying sexually offensive material such as posters, pictures, calendars, cartoons, screen savers, pornographic or erotic websites or other electronic material.
- Distributing sexually explicit email messages or attachments, such as pictures or video files.
- Sexually suggestive or obscene comments or gestures.
- Unwelcome remarks, jokes, innuendoes, propositions or taunting about a person's body, clothing or sex.
- Sexual banter.
- Persistent and unwanted attention after a consensual relationship ends or where the person knew or ought to have known the attention was not welcome or wanted.
- Physical contact of a sexual nature, such as touching or caressing.
- Gossip or rumours regarding a person's sexual activities or relationships, regardless of whether they are malicious.
- Sexual assault.

iv) Harassment and Bullying

Workplace harassment is also a health and safety issue covered under the Occupational Health and Safety Act.

Workplace harassment is defined in the Occupational Health and Safety Act as:

- (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 (as defined on Page 6 of this policy).

Some examples of workplace harassment are:

- Offensive or intimidating comments or jokes.
- Verbally abusive behaviour such as yelling, insults, ridicule and name-calling, including, but not limited to, remarks, jokes or innuendos that demean, ridicule, intimidate or offend.
- Workplace pranks, vandalism, bullying, hazing or aggressive behaviour.
- Gossiping or spreading rumours, whether or not they are malicious.
- Excluding or ignoring someone, including persistent exclusion of a particular person from work-related social gatherings.
- Demeaning or abusive workplace supervision.
- Humiliating someone.
- Sabotaging someone else's work.
- Displaying or circulating offensive pictures or materials.
- Offensive or intimidating phone calls, emails, texts, or social media communications.
- A manager, or supervisor impeding an individual's efforts at promotions or transfers for reasons that are not legitimate.
- Making false allegations about someone in memos or other work-related documents.
- Menacing behaviours such as staring, glaring, inappropriate gestures or unwelcome physical closeness.

What Is Not Harassment

The Occupational Health and Safety Act states:

- (i) A reasonable action taken by an employer or supervisor relating to the management and direction of workers or the workplace is not workplace harassment.

Workplace harassment should not be confused with legitimate, reasonable management actions that are part of the normal work function. These include, but are not limited to:

Measures to correct performance deficiencies, such as placing someone on a performance improvement plan.

- Imposing discipline for workplace infractions.
- Requesting medical documents in support of an absence from work.
- Enforcement of workplace rules and policies.

It also does not include normal workplace conflict that may occur between individuals or differences of opinion between co-workers.

The Test of Harassment

It does not matter whether you intended to offend someone. The test of harassment is whether you knew or should have known that the comments or conduct were unwelcome to the other person. For example, someone may make it clear through their conduct or body language that the behaviour is unwelcome, in which case you must immediately stop that behaviour.

Although it is commonly the case, the harasser need not have power or authority over the recipient. Harassment can occur, for example, from co-worker to co-worker, Manager/Supervisor to employee and employee to Manager/Supervisor.

Respect in the workplace is everyone's responsibility. Any acts that demean, harm, exclude or are not aligned with our culture and should be addressed promptly in accordance with the procedures set out below.

Poisoned or Hostile Work Environment: a situation in which inappropriate, derogatory, or demeaning behaviour intrudes upon a person's dignity or creates an intimidating, hostile or offensive atmosphere for a person that may or may not be directly targeted. For example, jokes, offensive literature (example: pin-ups), derogatory

comments or other activities based on sexual, racial, or other protected characteristics, can constitute a poisoned or hostile work environment for members of a certain sex or gender, or a certain racial or religious group, even without any individual member of the groups being targeted. A poisoned work environment also includes comments and actions from the members of workplace community that are unwelcome, offensive, disrespectful and have the effect of an intimidating environment. A poisoned or hostile environment is a form of harassment prohibited by law.

Respondent: an individual who has been alleged to have acted in a manner contrary to Policy.

Workplace: includes any place where business or work related activities are pursued. Workplace includes, but is not limited to the physical work premises, any remote work setting, virtual meeting, work-related social functions, such as holiday parties, golf games, etc., work assignments outside of the office, work-related travel, work-related conferences or training activities and all work-related communication, regardless of timing (within/outside of regular work hours) or format. Further, the workplace includes any video communication platforms, instant messaging applications, telephone (including text messaging), email or social media posts related to or posted by a member of the workplace community.

Behaviour taking place through instant messaging, telephone or email communications and on social media will be considered an extension of the workplace, regardless of whether or not these communications are made during work time or using Library applications, platforms, computers, devices or internet connections, if the behaviour can reasonably be expected to affect the workplace or work relationships.

Workplace Violence: Workplace violence is defined as (under the Occupational Health and Safety Act):

- (i) The exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker.
- (ii) An attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker.
- (iii) 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 include but are not limited to:

- Physically threatening behaviour, such as shaking a fist at someone, finger pointing, destroying property, throwing objects, etc.
- Verbal or written threats to physically attack an employee
- Leaving threatening notes or sending threatening emails
- Wielding a weapon at work
- Stalking someone
- Physically aggressive behaviours. This includes, but is not limited to hitting, shoving, standing excessively close to someone in an aggressive manner, pushing, kicking, throwing an object at someone, physically restraining someone or any other form of physical violence or assault
- Domestic violence that can impact the workplace

Accidental situations, such as an employee tripping over an object and pushing a co-worker as a result are not meant to be included as workplace violence.

Violence from outside the normal workplace that has an impact on the working environment (including working relationships) may also be considered violence in the workplace.

Roles and Responsibilities

a) Respectful Workplace

All members of our workplace community have a mutual interest and shared responsibility in securing and maintaining a respectful, civil and inclusive workplace that is harassment, discrimination, and violence free. All members of the Library's workplace community are expected to meet individual responsibilities as outlined in this Policy.

(i) The Library's Commitment

The Library will do its part by not tolerating or condoning discrimination, harassment, and violence in the workplace. This includes making everyone in our workplace community aware of what behaviour is and is not appropriate, investigating complaints and incidents and imposing suitable corrective measures.

(ii) **Management Responsibilities**

The CEO and Management Team are responsible for providing a work environment consistent with the objectives stated in this policy. This responsibility includes promoting a positive work environment and intervening whenever conduct below the standards set out in this policy occurs. Managers and Supervisors are responsible for their own actions and for dealing with inappropriate conduct that comes to their attention.

Responsibilities of the CEO and Management Team under this policy include the following:

1. Understanding and upholding the principles of this policy by setting a good example.
 - Communicating to employees that you take issues of workplace misconduct seriously
 - Not participating in or ignoring discrimination, harassment, and violence issues.
 - Ensuring your dealings with employees are conducted in a civil and respectful manner.
2. Taking the necessary steps to ensure that employees conduct themselves in a manner consistent with commitments under this Policy.
3. Ensuring that employees are informed of the Library's Policy and procedures for dealing with concerns of harassment, discrimination or violence.
4. Effectively responding to any concerns or issues of behaviour contrary to this policy that come to your attention and treating all issues seriously while working to resolve them.
5. Conferring with the CEO regarding effective processes for handling any concerns raised under this policy
6. Not allowing or condoning any behaviour contrary to this Policy.
7. Discussing the concerns raised with the employee who is alleged to have engaged in problematic conduct, as they may be unaware that their behaviour is offensive.
8. Keeping a record (Supervisors and Managers should keep a personal record of all discussions) with employees who raise concerns under this policy as well as their response to the situation.

(iii) Employee Responsibilities

Every employee is responsible for adhering to the spirit and intent of this Policy.

1. Employees must do their part by ensuring that their behaviour does not violate this policy and by fostering a work environment based on respect and free of harassment, discrimination and violence.
2. Employees, when they feel safe to do so are encouraged to communicate to co-workers that their conduct or comments are objectionable whenever they witness conduct contrary to this Policy.
3. Employees are encouraged to discourage co-workers from persisting with comments, discussions and conduct that is inconsistent with the spirit of the Policy.
4. Employees should advise their Supervisor, member of Management or the CEO of any workplace harassment, discrimination or violence which they become aware.

(iv) Non-employee Responsibilities

Any individual who interacts with a Library employee must ensure that their interactions are consistent with the standards of this Policy. Such persons include, but are not limited to volunteers, elected representatives, appointed officials, contractors, consultants, and members of the community accessing the Library's services.

b) Violence Protection

(i) CEO and Management Team Responsibilities

1. Ensure that an effective Workplace Violence Prevention Program is developed and implemented.
2. Ensure that measures and procedures identified in the Workplace Violence.
3. Prevention Program are carried out and that Management is held accountable for responding to and resolving complaints of violence.
4. Ensure compliance by all persons who have a relationship with the Library such as employees, employees, Board members, contractors, consultants, volunteers, etc.
5. Ensure violence prevention action plans are prepared and updated for local worksites.
6. Inform workers and Supervisors of the nature and the extent of the risks of violence.
7. Take corrective action and monitor its effectiveness.
8. Ensure regular evaluation of the workplace violence prevention program.

9. In consultation with the Joint Health and Safety Committee (JHSC), ensure risk assessments are done periodically and safe work procedures are developed to address existing or potential risks for each assignment under their supervision.
10. Establish and deliver training and education for all workers.
11. Ensure that any critical injuries or deaths are reported to the Ministry of Labour inspector, the police, the JHSC and investigated with the JHSC.
12. Ensure reports are provided to Workplace Safety Insurance Board (WSIB) for all accidents where a worker loses time from work and requires health care.
13. Respond to media presence and/or follow up questions relating to any incident of violence.

(ii) Management and Supervisor Responsibilities

1. Ensure compliance with all aspects of the *Workplace Violence Prevention Program*.
2. Ensure the reporting, investigating and documenting of incidents of violence are in place in accordance with the WSIB and Ministry reporting procedures.
3. Ensure members of the workplace community are held accountable to work consistently with the measures adopted to minimize the risk of violence and threats of violence.
4. Facilitate ongoing discussion of workplace violence issues with workers.
5. Ensure appropriate training and education in violence prevention procedures and response procedures are provided to workers.
6. Provide input into risk assessments.
7. Comply with reporting, investigation and documenting procedures.
8. Advise workers on the existence of any potential or actual danger to the health and safety of the workers of which management or the supervisor is aware.
9. Instruct workers on procedures for the prevention of violence.
10. Promote and encourage reporting of violent incidents.
11. Advise workers of available medical services including referrals.

(iii) Worker Responsibilities

1. Ensure workers make their necessary contribution to violence prevention by being responsible and accountable for the following.
2. Comply with the requirements of this policy and refrain from any conduct that constitutes or that could be interpreted as workplace violence, attempts to commit workplace violence or threats of workplace violence.

3. If the worker experiences workplace violence or witnesses workplace violence, they should take all necessary and reasonable steps to ensure their own safety and the safety of others, once safe the worker should contact the police and/or other emergency services for assistance.
4. Provide input into risk assessment.
5. Attend education and training sessions.
6. Provide input into the development of local workplace violence prevention action plans.
7. Follow established procedures for the prevention and reporting of incidents of violence.
8. Promptly and accurately report incidents of violence and provide input into and cooperate with the incident investigation.

(v) **Joint Health & Safety Committee Responsibilities**

1. Shall be consulted about the development and implementation of the Workplace Violence Prevention Program and associated procedures.
2. Shall be consulted and make recommendations to the employer to develop, establish and provide training in violence measures and procedures.
3. Take part in a review, at least annually, of the Workplace Violence Prevention Program.
4. A worker designate should investigate all deaths and critical injuries related to violence.
5. Receive and review reports of any critical injury or death immediately.

Administration

Discrimination and Harassment

Discrimination and harassment on any ground which may be prescribed under the Human Rights Code will not be tolerated at the Library.

All members of the Library's workplace community share an obligation to provide a civil, respectful, and inclusive workplace free of discrimination and harassment and conduct themselves in a manner consistent with this policy. All members of the Library's workplace community are responsible for contributing to a civil, respectful, and inclusive workplace by ensuring that their conduct and behaviour adhere to this policy. Any behaviour that constitutes discrimination or harassment is prohibited, including conduct that exposes members of the workplace community to abusive, hostile, or disrespectful conduct.

The Library will take the necessary and appropriate steps to prevent and address harassment and discrimination in all of its forms from occurring in the workplace. Such actions include, but are not limited to:

- Providing greater awareness of harassment and discrimination.
- Providing the knowledge to encourage and enforce acceptable standards of conduct.
- Offering internal, impartial and efficient resolution and complaint procedures to support the early detection and resolution of harassment and discrimination.
- Providing all employees with fair and consistent procedures for dealing with issues of workplace harassment and discrimination that could affect the workplace.

The Library will investigate and deal with all complaints or reported incidents of harassment and discrimination in a fair, respectful, and timely manner.

The Library will also ensure that there is an accessible process for reporting concerns and for the timely investigation and resolution of reports of harassment, discrimination, and violence, including the determination of appropriate consequences for breaches of this policy.

Procedure for Resolving and Investigating Workplace Harassment and Discrimination Incidents and Complaints

Employees can report incidents or complaints of workplace harassment verbally or in writing. When submitting a written complaint, employees are to use the Respectful Workplace Formal Complaint Form (Appendix A). When reporting verbally, you and the person to whom you are reporting will complete the Complaint Form collectively. The Library encourages employees to report incidents or complaints of workplace harassment as soon as possible after experiencing or witnessing the incident so that the matter can be investigated promptly.

All members of the Library's workplace community benefit from a prompt, efficient and effective resolution of workplace concerns. The Library is committed to early detection, reporting and resolution of complaints involving workplace harassment or discrimination.

The Library encourages members of our workplace community experiencing any concerns or conduct inconsistent with this policy to select a resolution method (by

which you report your concerns) in a way you are most comfortable with. However, employees should understand that in some circumstances, the Library may have a legal obligation to investigate incidents of potential harassment, even if a formal complaint is not filed.

a) Informal Resolution by Employees

If you believe that you are being harassed or discriminated against, the first thing to do (if you feel comfortable doing so) 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.

Some of the things you can say that might stop the behaviour 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...”

If the harassment or discrimination continues after you have confronted the individual, you may want to provide the person with a written statement of the situation.

You can also report the incident(s) to your supervisor, any member of management or the CEO.

It helps to keep a record of any incident(s) that you experience. This includes when the harassment started, what happened, whether there were any witnesses and what your response was.

If you believe that someone who is not a Library employee (e.g., a supplier, contractor, consultant, third party service provider, member/representative of a partner organization, client, their family, customer, community stakeholder, or a member of the public, etc.), has harassed or discriminated against you, please report the incident(s) to your supervisor, any member of management or the CEO. Although the Library has limited control over third parties, we will do our best to address the issue and prevent further problems from happening.

Advisory Support- Management Informal Support and Intervention

The CEO, Managers and Supervisors have a responsibility to assist employees experiencing conduct inconsistent with this policy.

The CEO, Managers and Supervisors have been trained to support employees in facilitating early informal resolution of harassment and discrimination complaints.

Where an employee is uncomfortable communicating directly with the person engaging in the objectionable conduct, or where such communication has failed to stop the conduct, employees are encouraged to report the conduct to a Supervisor, Manager, or the CEO.

Where an employee is not comfortable raising the issue with their direct Manager or Supervisor, they should seek assistance from another member of management or the CEO.

The Managers, Supervisors or the CEO will review resolution options with the employee and assist them in identifying and pursuing an informal resolution strategy or a formal complaint, where appropriate.

The Manager or Supervisor will provide informal resolution support confidentially and as collaboratively as possible.

Manager, Supervisor or the CEO will maintain confidential records of any informal support or intervention provided to an employee.

b) Formal Internal Complaint Process

Where informal efforts to resolve concerns of behaviour contrary to this policy are ineffective or inappropriate, a formal complaint and investigation may be requested or initiated. You may bring a formal complaint to a supervisor, a member of your management team, or the CEO. The Library is committed to providing an efficient, effective, objective, and inclusive internal complaint process.

In some cases, the complainant(s), respondent(s), or witnesses may decide to have a support person accompany them throughout the process. The investigator will advise these individuals of this entitlement. Similarly, the role of the support person throughout the investigation process is to observe and provide support.

Any employee has the right to file a formal complaint about conduct they believe to be harassment, discrimination or otherwise inappropriate under this policy. A formal complaint may be filed electronically.

When bringing a formal complaint forward, provide as much written information as possible, including the name(s) of the person(s) harassing or discriminating against you, the place, date and time of the incident(s) and the names of any possible witnesses. Any relevant information is to be included on the Respectful Workplace Formal Complaint Form. Information regarding what must be included with your report of an incident or complaint is set out in the 'Report of Incident or Complaint (whether formal or informal) section below.

It is important that you provide your complaint as soon as possible so the issue doesn't escalate or happen again. Once the CEO receives your complaint, the CEO may initiate an investigation if it is deemed to be appropriate in the circumstances.

Discrimination and harassment are serious matters. Therefore, if a decision is made not to make a formal complaint by the individual, the Library still has a legal obligation to undertake an investigation and steps may be required to prevent further discrimination or harassment.

The complaint should be directed to the CEO. If the complaint is against the CEO, it should be provided to the Board Chair.

c) Report of Incident or Complaint (whether formal or informal)

Your report of an incident or complaint can be completed with help from a supervisor, any member of management or the CEO, if you wish, and must include:

- Your name and contact information.
- The name of the alleged harasser(s), their position and contact information (if known).
- Names of any witness(es) (if any) or other person(s) with relevant information to provide about the incident(s) and contact information (if known).
- Details of what happened including date(s), frequency, and location(s) of the alleged incident(s).
- Any supporting documents you may have in your possession that are relevant to the incident(s)/complaint.

- A list of any documents you believe a witness, another person or the alleged harasser(s) may have in their possession that are relevant to the incident(s)/complaint.

Overview of Complaint Investigation Procedure

Where a complaint is filed, or where an investigation is otherwise appropriate or legally necessary, the Library will investigate and deal with all complaints or incidents of workplace harassment or discrimination in a fair and timely manner. An investigation the Library deems appropriate in the circumstances will be undertaken as quickly as possible.

At its sole discretion, the Library may conduct interviews in person or using a video communication platform.

The CEO may choose to use either an internal investigator trained in workplace investigations or a qualified external investigator, depending on the nature of the incident. The CEO will determine whether an external investigator is required.

The investigator will ensure the investigation is kept confidential and identifying information is not disclosed unless necessary to conduct the investigation. While the investigation is on-going, the complainant, respondent and any witnesses should not discuss the incident, complaint, or investigation with each other. At the Library's sole discretion, interim measures may be taken after the complaint is received and during the investigation. These interim measures include but are not limited to authorizing a leave of absence with pay, temporary transfers or schedule changes, temporary changes to reporting relationships or corrective action.

The specific steps taken as part of the investigation will depend on the circumstances of the complaint, but may include:

- Interviewing the complainant and respondent to ascertain all the facts and circumstances.
- Interviewing witnesses (if any) deemed relevant by the investigator.
- Reviewing any related documentation.
- Making detailed notes and statements of the investigation and maintaining them in a confidential file.

Once the investigation is complete, the investigator(s) will prepare a detailed written report for review by the CEO based upon the situation, which will generally include:

- A summary of the steps taken during the investigation.
- The details of the complaint and the allegations.
- The respondent's responses.
- A summary of the evidence gathered, including information provided by witnesses.
- Findings of fact and a conclusion about whether a breach of this policy occurred.

The CEO or designate will recommend and determine what action should be taken as a result of the investigation. Within 10 days of the report being provided to the CEO or designate, the CEO or designate will meet separately with each of the complainant and respondent (provided they are Library employees) to make them aware in writing of the findings by providing them with a letter stating whether the incident or complaint constituted harassment. Alternatively, at the discretion of the CEO or designate, the investigator will meet separately with each of the complainants and respondent to provide them with this information in writing. The complainant and the respondent will be provided in writing information regarding corrective action taken or that will be taken in respect of the respondent, if any, and any steps the Library has taken or will take to prevent similar incidents in the future.

The CEO or designate and any other applicable representatives of the Library deemed appropriate by the CEO or designate will determine the appropriate amount of information to be shared with the complainant and respondent.

The goal is to complete any investigation and communicate the results to the complainant and respondent as quickly as possible after becoming aware of an incident or when a complaint is received. All efforts will be made to complete the investigation within 90 days if possible. However, the timeframe within which an investigation can be completed varies depending on the circumstances of each investigation and the investigation may take longer.

Corrective Action

Harassment and discrimination will be considered a violation of the conditions under which an employee is employed or engaged by the Library. Substantiated complaints about any incident(s) of harassment or discrimination will be addressed by the Library's management.

If a finding of harassment or discrimination is made, the Library will take appropriate corrective measures, regardless of the respondent's seniority or position.

Corrective measures may include, but are not limited to one or more of the following:

- Discipline, such as a verbal warning, written warning or suspension without pay.
- Termination with or without cause.
- Referral for counselling, coaching or training, anger management training, supervisory skills training, or attendance at educational programs on respect in the workplace.
- Demotion or denial of promotion.
- Reassignment or transfer.
- Financial penalties such as the denial of a performance related salary increase.
- Any other disciplinary action deemed appropriate under the circumstances.

Any employee who condones or ignores violations of this policy will also be subject to disciplinary action, up to and including termination for just cause.

Workplace Violence

The Library is committed to providing a workplace free of violence.

The Occupational Health and Safety Act defines workplace violence broadly enough to include acts that may be considered criminal. For the definition of "workplace violence" and examples of such behaviour, please see the Definitions portion of this policy.

The Library will take the necessary and appropriate steps to prevent and address workplace violence in all of its forms from occurring in the workplace. Such actions include, but are not limited to:

- Providing greater awareness of workplace violence.
- Providing the knowledge to encourage and enforce acceptable standards of conduct.
- Offering internal, impartial and efficient resolution and complaint procedures to support the early detection and resolution of workplace violence.
- Providing all employees with fair and consistent procedures for dealing with issues of workplace violence that could affect the workplace.

The Library will investigate and deal with all complaints or reported incidents of workplace violence in a fair, respectful, and timely manner.

The Library will also ensure that there is an accessible process for reporting concerns and for the timely investigation and resolution of reports of workplace violence, including the determination of appropriate consequences for breaches of this policy.

Violence will not be tolerated in the Library's workplace community. Any such conduct, even a first offence, will result in corrective action up to and including termination of employment for just cause.

Domestic Violence

If the Library learns of or has reason to believe that an employee is experiencing domestic violence that would likely expose the employee or other employees to physical injury in the workplace, the Library will take every precaution reasonable in the circumstances to provide protection to the employee and others in the workplace community. This may include some or all of the following:

- Creating a safety plan.
- Contacting the police.
- Establishing a schedule for regular video calls.
- Establishing enhanced security measures (e.g., implementing a panic button, setting up a "dummy" email address, introduction of a code word(s), and other similar door and access security measures).
- Screening telephone calls and blocking certain email addresses.
- Setting up preferred parking arrangements or providing escorts to your vehicle.
- Adjusting working hours and location so that they are not predictable.
- Facilitating access to counseling through the employee and family assistance program or other community programs.

The Library appreciates the sensitivity of these issues and will do our best to assist an employee as discreetly as possible while maintaining their privacy.

Persons with a History of Violence

If the Library becomes aware or has reason to believe that a person with a history of violent behavior is likely to expose an employee or other employees to workplace violence in the workplace, the Library will ensure every precaution reasonable is taken to protect the employee and others in the workplace community. In these circumstances, the Library will provide information, including personal information, about the risk of workplace violence and will do its part to ensure employees are not put at risk. The Library's precautions may include some or all of the methods described above in relation to domestic violence.

Duties and Obligations

It is our mutual responsibility to ensure that we create and maintain a violence-free workplace and address violence and/or the threat of violence from all possible sources. These sources include, but are not limited to supervisors, managers, employees, contractors, consultants, clients, students, customers, strangers, family, friends, and domestic/intimate partners.

(i) The Library's Duties

The Library will do its part by not tolerating or condoning violence in the workplace.

This includes:

- Making everyone in our organization aware of what behaviour is and is not appropriate
- Assessing the risk of workplace violence
- Investigating complaints and incidents
- Imposing suitable corrective measures

(ii) CEO and Management Team Responsibilities

The CEO and Management will do their part in preventing and addressing violence in the workplace by:

- Ensuring that an effective Workplace Violence Prevention Program is developed and implemented.
- Ensuring that measures and procedures identified in the Workplace Violence Prevention Program are carried out and that management is held accountable for responding to and resolving complaints of violence.
- Ensuring that all members of our workplace community comply with the Workplace Violence Prevention Program.
- Ensuring violence prevention action plans are prepared and updated for local worksites.
- Informing employees and Supervisors of the nature and the extent of the risks of violence.
- Taking corrective action and monitoring its effectiveness.
- Ensuring regular evaluation of the Workplace Violence Prevention Program.

- In consultation with the Joint Health and Safety Committee, ensuring risk assessments are done periodically and safe work procedures are developed to address existing or potential risks for each assignment under their supervision.
- Establishing and delivering training and education for all employees.
- Ensuring that any critical injuries or deaths are reported to the Ministry of Labour, Immigration, Training and Skills Development Inspector, the police, and the Joint Health and Safety Committee. These injuries or deaths will also be investigated by the Joint Health and Safety Committee.
- Ensuring reports go to the Workplace Safety Insurance Board (WSIB) about all injuries where an employee loses time from work or requires health care.
- Responding to media presence or follow up questions relating to any incident of violence

(iii) Management and Supervisor Responsibilities

Management and supervisors will do their part in addressing and preventing violence in the workplace by:

- Ensuring compliance with all aspects of the Workplace Violence Prevention Program.
- Ensuring that proper procedures for reporting, investigating and documenting incidents of violence are in place and complied with, in accordance with the Workplace Safety and Insurance Board and Ministry of Labour, Immigration, Training and Skills Development.
- Ensuring members of the workplace community work consistently with the measures adopted to minimize the risk of violence and threats of violence.
- Facilitating ongoing discussion of workplace violence issues with employees.
- Ensuring appropriate training and education in violence prevention procedures and response procedures are provided to employees.
- Providing input into risk assessments.
- Advising employees of the existence of any potential or actual danger to the health and safety of employees which management or supervisors are aware.
- Instructing employees on procedures for the prevention of violence.
- Promoting and encouraging reporting of violent incidents.
- Advising employees of available medical services, including referrals.

(iv) Employee Responsibilities

Employees are responsible for ensuring they contribute to violence prevention by being responsible and accountable for the following:

- Complying with the requirements of this policy and refraining from any conduct that constitutes, or that could be interpreted, as workplace violence, attempts to commit workplace violence or threats of workplace violence.
- Taking all necessary and reasonable steps to ensure their own safety and the safety of others if they experience or witness workplace violence. Once safe, the employee should contact the police or other emergency services for assistance.
- Providing input into risk assessment.
- Attending education and training sessions.
- Providing input into the development of local workplace violence prevention action plans.
- Following established procedures for the prevention and reporting of incidents of violence.
- Promptly and accurately reporting incidents of violence and providing input into and cooperating with the incident investigation.

(v) The Joint Health and Safety Committee

The Joint Health and Safety Committee (JHSC):

- Will be consulted about the development and implementation of the Workplace Violence Prevention Program.
- Will be consulted and make recommendations to the Library to develop, establish and provide training in violence measures and procedures.
- Review the Workplace Violence Prevention Program, at least annually.
- Receive and review reports of any critical injury or death immediately.

In addition, a JHSC worker designate should investigate all deaths and critical injuries related to violence.

Procedure for Raising and Resolving Workplace Violence Concerns

Formal Investigation Process

Under the Occupational Health and Safety Act, employees have a responsibility to report workplace hazards. Workplace violence is considered a hazard in the workplace. Therefore, if employees are aware of workplace violence, even if they are not a recipient or witness to the violence directly, it must be reported.

The employee must report the existence of any workplace violence or threat of workplace violence to their Manager or Supervisor or the CEO. The existence of any workplace violence or threat of workplace violence may be reported electronically. The CEO will ensure that an investigation is conducted that is timely and appropriate in the circumstances. The CEO may choose to use either an internal investigator trained in workplace investigations or a qualified external investigator, depending on the nature of the incident.

If an employee is believed to be in imminent physical danger or physical assault has occurred, it must be immediately reported to the police. In all reports of workplace violence, the employee should immediately remove themselves from the violent situation, report the situation as soon as possible to their immediate Manager or Supervisor and contact the police. The employee's Manager or Supervisor will ensure the employee is kept in a safe place until the situation can be investigated.

If the complainant(s), respondent(s), or any witnesses are members of a bargaining unit, they will be entitled to bargaining unit representation throughout the formal complaint process, if they so choose. The role of the union representative throughout the investigation process is to observe and provide support.

If the complainant(s), respondent(s), or witnesses are not unionized, they are entitled to have a support person accompany them throughout the process instead of a bargaining unit representative. The role of the support person is also to observe and provide support. The investigator will advise these individuals of this entitlement.

Overview of Complaint Investigation Procedure

Any reports or incidents of workplace violence will be taken seriously. All reports and incidents of workplace violence must be investigated. If a Manager or Supervisor learns of, or witnesses acts or threats of violence, even if these events or actions are not reported to them by an employee they must initiate an investigation and corrective and preventive actions by reporting this to the CEO.

At its sole discretion, the Library may conduct interviews in person or using a video communication platform.

The Library will ensure that the necessary steps to determine the facts and circumstances relevant to the complaint are taken. The specific steps taken will depend on the circumstances of the complaint, but may include:

- Conducting interviews of relevant individuals to ascertain all the facts and circumstances relevant to the incident or complaint, including dates and locations.
- Reviewing any related documentation.
- Making detailed notes of the investigation and maintaining them in a confidential file.

The goal is to complete any investigation and communicate the results to the complainant and respondent as quickly as possible after learning of an incident or receiving a complaint. The timeframe within which an investigation can be completed varies depending on the circumstances of each investigation.

Once the investigation is complete, the investigator will prepare a written report appropriate in the circumstances, which will generally include:

- A summary of the steps taken during the investigation.
- The details of the complaint and allegations.
- The respondent's response.
- A summary of witness evidence and other evidence gathered.
- A report setting out the findings of fact and a conclusion about whether workplace violence occurred. A copy of the findings will be provided to management and the health and safety representative.

Disciplinary Action

The CEO will recommend and determine what action should be taken as a result of the investigation. If a finding of workplace violence is made, appropriate corrective measures will be taken, up to and including termination of employment for just cause, regardless of the respondent's seniority or position.

(i) Corrective Actions

If a finding of workplace violence by an employee is made, the Library will take appropriate corrective measures, regardless of the employee’s seniority or position. Corrective action is within the sole discretion of the Library.

Corrective action may include, but is not limited to:

- Discipline, such as a verbal warning, written warning or suspension without pay.
- Termination with or without cause.
- Referral for counseling (sensitivity training), anger management training, supervisory skills training or attendance at educational programs on workplace respect and violence.
- A demotion or denial of a promotion.
- Reassignment or transfer.
- Financial penalties such as the denial of performance related salary increase.
- Any other disciplinary action deemed appropriate under the circumstances.

Any employee who condones or ignores violations of this policy will also be subject to disciplinary action, up to and including termination for just cause.

Complaints Against the CEO or the Board

For complaints of harassment or workplace violence against the CEO or members of the Innisfil Public Library Board, an investigation will be conducted by the following personnel or their external designates:

CEO	Board Chair and Vice-Chair
Board Chair	Vice-Chair and CEO
Board Vice-Chair	Board Chair and CEO
Board Members	Board Chair and Vice-Chair

Risk Assessments

Managers and Supervisors must take every reasonable precaution to protect employees from workplace violence, including conducting risk assessments for workplace violence. Risk assessments are to be conducted as often as necessary to prevent injury in the workplace, for example:

- After an event or threat has occurred
- If the work or workplace has changed
- When a safety concern related to workplace violence has been raised

Risk assessments may include evaluating a person's history of violent behaviour to determine whether and to whom this person poses a risk. In making this evaluation, Managers and Supervisors should consider:

- Whether the person's history of violence was linked to the workplace or work.
- Whether the history of violence was directed at a particular employee or employees in general.
- How long ago the incidence of violence occurred.

The Library will advise the Joint Health and Safety Committee of the results of a risk assessment, provide a copy of the assessment in writing and reassess the risks of the workplace violence to continue to protect employees.

Education and training will be provided to employees with respect to the risks identified and the prevention initiatives to be implemented.

In some cases, Managers and Supervisors may have a duty to provide information about a risk of workplace violence from a person with a history of violent behaviour if an employee can be expected to encounter that person during their work and the risk of workplace violence is likely to expose the employee to physical injury. Managers and Supervisors will only release as much personal information about the person with a history of violent behaviour as is reasonably necessary to protect the employee from workplace violence. Managers and Supervisors are required to consult each other prior to releasing information about a person with a history of violence.

General Procedure for Responding to Workplace Violence

Employees have the right to refuse work (following the work refusal process as prescribed in the Ontario Health & Safety Act) if workplace violence is likely to endanger them. In that case, the employee should immediately remove themselves from the threat of violence and contact their Manager or Supervisor, at which point appropriate measures will be taken to protect the employee and investigate the situation. If the employee is on the physical work premise, the employee will be moved to a safe place as near as reasonably possible to their normal workstation. The employee will need to be available for the purpose of investigating the incident. In some circumstances, subject to provisions in any collective agreement (as applicable), the employee may be provided with reasonable alternative work during normal working hours.

Certain employees may have a limited right to refuse work when the risk is inherent in their job duties.

Depending on the circumstances, the Library may contact the police or other emergency responders to assist, intervene or investigate workplace violence. Details about the measures and procedures for summoning immediate assistance will be provided and may include:

- Equipment to summon assistance, such as fixed or personal alarms, locators or tracking systems, phones, cell phones etc.
- Emergency telephone numbers and/or email addresses
- Emergency procedures

Provided the situation is dealt with quickly and the danger is removed, the need for work refusal may be alleviated.

Protection from Retaliation or Reprisal

The Library will not tolerate retaliation, taunts or threats against anyone who files a harassment, discrimination, or violence complaint, or takes part in any investigation. Any person who taunts, retaliates against, or threatens anyone in relation to a harassment, discrimination or violence complaint or investigation may be subject to discipline, up to and including termination for just cause.

The Library will not punish an employee for reporting any act of suspected harassment or violence in good faith. Action which may be required and/or necessary to accommodate an employee during or as a result of a complaint and investigation shall not be considered a reprisal under this policy.

If an employee reports an incident or makes a complaint in good faith and without malice, regardless of the outcome of the investigation, they will not be subject to any form of discipline. However, any person who brings a false and malicious complaint may be disciplined up to and including termination of employment.

Confidentiality of Complaints and Investigations

The Library recognizes the sensitive nature of harassment, discrimination and violence complaints and will keep all complaints confidential, to the extent that the Library is able to do so. The Library will only release as much information as is necessary to investigate and respond to the incident or complaint, to protect an employee, to take corrective action or if required to do so by law. The Library may be

required to disclose pertinent information to protect an employee from injury where a reasonable threat of workplace violence exists.

Yet, the respondent to a complaint is entitled to know and understand the allegations against them so they may respond. In order to provide fairness and due process, the Library cannot keep the details of the allegations confidential from the respondent. The Library may also not be able to keep the details of the complaint confidential from any witness or person involved in the investigation.

Reports will be kept confidential if it has been determined that a reasonable threat of workplace violence does not exist or where reasoned and practical in the circumstances.

Out of respect for the relevant individuals, it is essential that the complainant, respondent, witnesses, and anyone else involved in the formal investigation maintain confidentiality throughout the investigation and afterward.

All employees, representatives and support persons are required to fully cooperate in the investigation process and to not in any way impede, obstruct, or behave in a manner that potentially jeopardizes the integrity of the investigation. Breaching confidentiality or acting in a manner that obstructs, impedes, or affects the integrity of the investigation is subject to discipline, up to and including termination for just cause.

The Library will further work to ensure confidentiality by:

- Circulating, educating employees on, and enforcing this policy
- Reminding the complainant, respondent, witnesses and anyone else involved in, or aware of the investigation, of their duties of confidentiality
- Maintaining documentation related to investigations in a file separate from unrelated documents
- Releasing information only on a strict need-to-know basis or in the circumstances described above, including to investigate and respond to the incident or complaint, protect an employee, take corrective action or if required by law.

Policy Awareness, Education and Training

This policy will be made available to all employees and will be provided as part of employee onboarding and orientation. It will also be available and accessible on the Library's network storage location. Employees will participate in training from time to time, as necessary.

All employees will receive training on harassment and violence prevention as soon as practicable after they begin working for the Library, and as often thereafter as the Library deems necessary. The Library will also work with the employee to incorporate training into their schedule.

Such training will include:

- Workplace harassment and violence
- Respect in the workplace
- The duties and responsibilities associated with preventing harassment and violence in the workplace
- A review of the risks of violence inherent in the employee's workplace
- A review of violence prevention procedures
- Incident reporting procedures
- Correct response procedures
- Workplace emergency procedures

Program Evaluation

The effectiveness of this policy and associated programs will be evaluated by management and reviewed by the safety representative as often as necessary, but at least annually.

Trauma Support

Employees who have witnessed or experienced a traumatic event may need special support. These special needs will be acknowledged and accommodated by the Library. The Library will encourage employees to use the Employee Assistance Program or other services as appropriate. The CEO, or designate, will advise affected employees of their support options and will coordinate any special assistance that may be required.

Exceptions

There are no exceptions to this policy.

Related Policies:

Corrective Action Policy
Equity, Diversity and Inclusion Policy
Health & Safety Policy
Working Alone Policy

Related Program:

Respectful Workplace, Harassment & Violence Prevention Program

References:

Canadian Human Rights Act <https://laws-lois.justice.gc.ca/eng/acts/h-6/>
Ontario Health and Safety Act <https://www.ontario.ca/laws/statute/90o01>
Ontario Human Rights Code <https://www.ohrc.on.ca/en/ontario-human-rights-code>

Approved by the Innisfil Public Library Board, December 11, 2023. Motion Number: 2023.85

Supersedes Policy #E-2022-24, approved September 19, 2022, Motion #2022.66; and Policy #E-2021-14, approved May 17, 2021, Motion #2021.46; and Policy #E-2020-13, approved May 19, 2020, Motion #2020.40 & Policy #E-2019-06, approved Monday, April 15, 2019, Motion #2019.33; & Policy #E-2018-08, approved Monday, April 16, 2018, Motion #2018.33; & Policy #E-2016-25, approved November 21, 2016, Motion #2016.97; & Policy #E-2016-10, approved May 16, 2016, Motion #2016.46; & Policy #E-2014-21, approved November 17, 2014, Motion #2014.83; &

Combines and Supersedes ***Employment-Respectful Workplace Policy*** Number E-2011-07, approved March 21, 2011, Motion Number 2011.22, and

Employment-Workplace Violence Prevention Policy Number #-2010-14, approved June 14, 2010, Motion #2010.47; &

Supersedes ***Respectful Workplace Policy*** #2007-02, approved September 17, 2007, Motion #2007.39

Appendix A



Respectful Workplace Formal Complaint Form

If you believe you have experienced or witnessed offensive behaviour (discrimination, harassment, sexual harassment) or violence in the workplace please complete this form and forward it to the CEO. The decision to file a formal Respectful Workplace complaint is a serious one; complaints should be undertaken with great care. All information regarding a complaint is to be treated as confidential and disclosed on a need-to-know basis, only. If you have questions about completing this form, please contact the CEO.

Date: _____ Employee Name: _____

Department: _____ Position: _____

Supervisor/Manager: _____

Complaint Details:

1. Please provide the name and the position of the respondent(s) involved in your complaint: _____

2. Please describe your complaint (and provide specific incidents/examples). Attach additional pages if needed:

3. Date the incident first occurred (and include any subsequent dates, and times of any further incidents): _____

4. Location of the incident(s): _____



5. Were there any witnesses to the incident(s)? If yes, please provide the name and position of the witness(s):

Harassment, Discrimination, Sexual Harassment, Workplace Violence:

Please check the appropriate box(es) that describe the nature of your complaint:

- Harassment
- Discrimination
- Sexual Harassment
- Workplace Violence
- Other (please specify): _____

Impact and Concerns:

6. How did the incident(s) impact you or your work environment?

7. What specific concerns do you have about the incident(s) or behavior?

Resolution:

8. What outcome are you seeking from this complaint?



9. What has been done, to date, to try and resolve this matter, and by whom?

10. What was the outcome of this (if applicable)?

Supporting Documentation:

Please attach any relevant documents, emails, or other evidence that may support your complaint, and are relevant to the incident(s)/complaint.

Confidentiality:

The information in this complaint is true to the best of my knowledge. I understand the information provided will be used and shared by People & Talent, as required by law and by the Respectful Workplace Policy.

Employee Signature: _____

Date: _____

Please submit this form directly to the Manager of People & Talent.