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**BARRIE PUBLIC LIBRARY**  
**WORKPLACE HARASSMENT POLICY/PROGRAM**

**MOTION #17-35**

**Revised June 22, 2017**

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**1. POLICY STATEMENT**

- 1.1 The Barrie Public Library is committed to providing a safe and secure workplace for its employees, free from harassment. The Library considers workplace harassment to be a serious misconduct and will not tolerate any form of vexatious comment or conduct that is known or reasonably ought to be known as unwelcome, and includes for the purposes of the Program, unwanted, unsolicited actions, behaviours, remarks or communications in any form directed toward an individual or group and which are related to any of the prohibited grounds of workplace or employment harassment in the Ontario Human Rights Code. All reports of incidents will be taken seriously and dealt with appropriately. Employees who are found to have engaged in such conduct shall be subject to disciplinary action.
- 1.2 All library employees have a responsibility to respect their co-workers and the public they serve. Managers have additional responsibilities. Managers are obligated to discourage harassment in the workplace; to take reasonable steps to prevent it; and to take appropriate corrective action to deal with workplace harassment if and when it occurs.
- 1.3 Complaints that are trivial, frivolous or vexatious and/or made in bad faith will not be addressed as personal harassment complaints.
- 1.4 Complaints that result from legitimate performance management, exercise or delegation of managerial authority, operational directives, disagreement or misunderstanding, job assignment, work related change, a single comment, action or rudeness that has no lasting harmful effect and is not extreme or repetitive will not be addressed.
- 1.5 This policy was written in accordance with Bill 168 and Bill 132, which are Acts to amend the Occupational Health & Safety Act.

**2. APPLICATION OF PROGRAM**

- 2.1 This harassment in the workplace program applies to all employees of the library, as well as volunteers, co-op placements, students, agents of the library, consultants, contractors and Board in dealings with employees, volunteers, co-op placements, students, agents, consultants, contractors and Board of the Library.
- 2.2 Members of the public, visitors to the library or individuals conducting business with the Library are expected to adhere to the Program, including refraining from committing acts of harassment against employees, volunteers, members of the library board, or persons acting on behalf of the library. If such harassment occurs, the library will take any steps available to ensure a harassment free workplace, including barring the individual who is the subject of a report from its facility, where appropriate, or discontinuing business with that individual.

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**3. OBJECTIVES**

- To demonstrate and promote the library's commitment to providing a workplace that ensures employee safety and security
- To prevent or lower the probability of harassment to library employees in the workplace
- To respond swiftly and appropriately to incidents of harassment
- To aid in the prevention of harassment in the workplace
- To provide an impartial and efficient investigation procedure
- To ensure that all incidents are dealt with confidentially and objectively and that the rights and dignity of all parties are respected
- To provide employees and Managers in all departments of the Library with fair and consistent procedures for preventing and dealing with workplace harassment

**4. DEFINITIONS**

For the purpose of this policy/program, harassment is defined as:

**4.1 Workplace Sexual Harassment**

- 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
- 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

Workplace sexual harassment also includes:

- Unwelcome remarks, jokes, innuendoes or taunting about a person's body, attire, sex (including pregnancy and breastfeeding) gender, gender identity, gender expression, or sexual orientation
- Practical jokes of a sexual nature which cause awkwardness or embarrassment
- Display of pornographic pictures or other offensive material
- Leering (suggestive staring) or other offensive gestures
- Demands for sexual favours, compromising invitations
- Lewd remarks made verbally or electronically

**4.2 Racial or Ethnic Harassment**

- Unwelcome remarks, jokes, innuendos or taunting about a person's racial or ethnic background or colour
- The display of racially derogatory or offensive pictures or material
- Refusing to converse or work with an employee because of his/her racial or ethnic background

- Insulting gestures or practical jokes based on racial or ethnic grounds which cause embarrassment or awkwardness

#### 4.3 Bullying

Bullying is a type of harassment that can be difficult to define. It is seen as acts or verbal comments that could 'mentally' hurt or isolate a person in the workplace. It may involve negative physical contact. It usually involves repeated incidents or a pattern of behaviour that is intended to intimidate, offend, degrade or humiliate a particular person or group of people. Bullying can be very subtle and may actually be a pattern of behavior involving one or more incidents. It is also described as the assertion of power through aggression. Examples of bullying include the following:

- Spreading malicious rumours, gossip, or innuendo that is not true
- Excluding or isolating someone socially
- Intimidating a person
- Undermining or deliberately impeding a person's work
- Physically abusing or threatening abuse
- Removing areas of responsibilities without cause
- Constantly changing work guidelines
- Establishing impossible deadlines that will set up the individual to fail
- Setting someone up to fail
- Damaging someone's reputation through gossip or other means
- Extreme micromanaging
- Withholding necessary information or purposefully giving the wrong information
- Making jokes that are 'obviously offensive' by spoken word or e-mail
- Intruding on a person's privacy by pestering, spying or stalking
- Assigning unreasonable duties or workload which are unfavourable to one person (in a way that creates unnecessary pressure)
- Underwork - creating a feeling of uselessness
- Yelling or using profanity
- Criticizing a person persistently or constantly
- Belittling a person's opinions
- Unwarranted (or undeserved) punishment
- Blocking applications for training, leave or promotion
- Tampering with a person's personal belongings or work equipment

#### 4.4 Other Harassment

- Unwelcome remarks, jokes or taunting about a person's age, record of offences, marital status (including single status), family status, disability, creed, place of birth, citizenship or ancestry.
- Intrusive invasions of personal space
- Vandalism, graffiti
- Threatening, humiliating or demeaning pictures or websites

- Pranks
- Threats – overt/covert
- Shunning
- Yelling

## 5. INFORMATION AND INSTRUCTION ON WORKPLACE POLICY/PROGRAM

The employer will provide all workers with information and instruction on the contents of the workplace harassment policy/program. Workers will be instructed on:

- What conduct is considered workplace harassment, including workplace sexual harassment, and how to recognize it;
- How and to whom to report an incident of workplace harassment;
- How the employer will investigate and deal with an incident or complaint of workplace harassment; and
- How the employer will report the results of the investigation to the worker who allegedly experienced workplace harassment and the alleged harasser, if the alleged harasser is a worker of the employer.

Workers will be informed of substantial changes to the policy/program.

Supervisors and managers must be provided with additional information and instruction, on how to recognize workplace harassment and how to handle a complaint of workplace harassment.

Investigators, whether a manager, supervisor, human resource representative or a person designated by the employer, must receive information and instruction on how to conduct an investigation appropriate in the circumstances, including not to disclose identifying information unless it is necessary to conduct the investigation, take corrective action or otherwise required by law.

Joint health and safety committee or health and safety representatives must receive information and instruction on the employer's workplace harassment program including how to help a worker report an incident of workplace harassment and resources available to a worker who has allegedly experienced harassment.

## 6. WORKPLACE CONDUCT THAT IS NOT HARASSMENT

Workplace harassment does not include the proper exercise of responsibility or authority related to the provision of advice, assignment of work, counseling, performance evaluation, discipline and supervisory functions. Private verbal disagreements or personality differences are not usually harassment. Consensual banter or romantic relationships are not harassment. However, if anyone feels uncomfortable with this behaviour, and the behaviour continues even after this person expresses their discomfort, then it is harassment. It would also constitute harassment if the harasser should have known that the person was uncomfortable.

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**7. PROCEDURE IN EVENT OF HARASSMENT**

**7.1 Complainant**

- Immediately make it clear to the offender that his/her behaviour or language is not welcome.
- If uncomfortable approaching the offender directly, the complainant may seek the assistance of his/her Manager or his/her Union Representative.
- File a complaint  
See Section 17: How to Report Workplace Harassment

**7.2 Alleged Offender**

- The alleged offender will be informed and asked for a written reply including a record of dates, times, the nature of the behaviour or language and witnesses if any.

**8. REMEDIAL ACTION**

- If there is no satisfactory evidence of harassment, no record of the complaint will be kept in any persons file and parties will be informed in writing of this effect.
- If an offense is confirmed and action is recommended:
  - Action shall be taken without delay.
  - The Library Board, CEO and/or Managers will impose sanctions on the offender with an understanding of the seriousness of the misconduct and follow the general principles of corrective discipline.

**9. INVESTIGATION**

**9.1 Commitment to Investigate**

Barrie Public Library will ensure that an investigation appropriate in the circumstances is conducted when the employer, human resources, a manager or supervisor becomes aware of an incident of workplace harassment or receives a complaint of workplace harassment.

**9.2 Appointing an Investigator**

- An investigator will be assigned.
- In situations where the issues are complicated, or there are many individuals involved, or there is a concern over the neutrality of an internal investigator, an
- External investigator may be utilized.
- If the alleged harasser is a senior employee of the organization, an external investigator will be appointed.

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- The investigator must be competent and be perceived as such within the organization, with a knowledge of the relevant workplace harassment laws, whether they are internal or external.

**9.3 Timing of the Investigation**

The investigation must be completed in a timely manner and generally within 90 days or less unless there are extenuating circumstances (i.e. illness, complex investigation) warranting a longer investigation.

**9.4 Investigation Process**

The investigator will:

- i. Ensure the investigation is kept confidential and identifying information is not disclosed unless necessary to conduct the investigation. The investigator should remind the parties of this confidentiality obligation at the beginning of the investigation.
- ii. Thoroughly interview the complainant and the alleged harasser(s), if the alleged harasser is a worker of the employer. If the alleged harasser is not a worker, the investigator should make reasonable efforts to interview the alleged harasser.
- iii. Provide an opportunity for the alleged harasser(s) to respond to the specific allegations raised by the worker.
- iv. Interview any relevant witnesses employed by the employer who may be identified by either the complainant, the alleged harasser(s) or as necessary to conduct a thorough investigation. The investigator must make reasonable efforts to interview any relevant witnesses who are not employed by the employer if there are any identified.
- v. Collect and review any relevant documents.
- vi. Take appropriate notes and statements during interviews with the complainant, the alleged harasser and any witnesses.
- vii. Prepare a written report summarizing the steps taken during the investigation, the complaint, the allegations of the complainant, the response from the alleged harasser, the evidence of any witnesses, and the evidence gathered. The report must set out findings of fact and come to a conclusion about whether workplace harassment was found or not.

**9.5 Results of the Investigation**

Within 10 days of the investigation being completed, the complainant and the alleged harasser, if he or she is a worker of the employer, will be informed in writing of the results of the investigation and any corrective action taken or that will be taken by the employer to address workplace harassment.

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**10. RECORD KEEPING**

The employer (human resources or designated person) will keep records of the investigation including:

- i. A copy of the complaint or details about the incident;
- ii. A record of the investigation including notes;
- iii. A copy of the investigation report (if any);
- iv. A summary of the results of the investigation that was provided to the worker who allegedly experienced the workplace harassment and the alleged harasser, if a worker of the employer;
- v. A copy of any corrective action taken to address the complaint or incident of workplace harassment.

Records will be filed in the individual personnel files of the complainant and the offender for a two year period from the date of the offence after which they are destroyed.

**11. CONFIDENTIALITY**

All incidents or complaints of workplace harassment shall be kept confidential except to the extent necessary to protect workers, to investigate the complaint or incident, to take corrective action or otherwise as required by law.

While the investigation is on-going, the complainant, the alleged harasser(s) and any witnesses should not discuss the incident or complaint or the investigation with each other or other workers or witnesses unless necessary to obtain advice about their rights. The investigator 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. The investigation documents, including the report should not be disclosed unless necessary to investigate an incident or complaint of workplace harassment, take corrective action or otherwise as required by law.

**12. INFORMAL COMPLAINT PROCEDURE**

When a complaint is brought forth informally (that is, no formal written complaint is filed) to the designated person, the employer has an obligation to make inquiries and determine the veracity of the allegations. It may be possible to resolve the complaint through informal discussions with each party or through a process of informal mediation. If the matter is not resolved informally, the complainant should be encouraged to file a formal complaint. The employee should always be advised of his or her right to proceed by filing a formal complaint.

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**13. EMPLOYEE RIGHT TO REDRESS**

This program does not remove an employee's right to redress through the procedures established by the Human Rights Code. This policy does not remove any employee's rights under the Collective Agreement.

**14. RESPONSIBILITIES OF EMPLOYEES**

Employees are encouraged to report workplace harassment and have a duty under the Occupational Health and Safety Act to report workplace harassment promptly in order to protect themselves and their colleagues.

All employees shall:

- Comply with this program
- Report any signs of harassment which were directed at them or at any other employee of the library to their Manager or the Human Resources Office
- Co-operate fully in any fact gathering interviews which are designed to assess harassment in the workplace which may include providing a signed statement
- Keep all information concerning the matter confidential to the fullest extent possible
- Ensure any investigation remains confidential.

**15. RESPONSIBILITY OF MANAGERS**

Managers shall:

- Take all reasonable measures to prevent harassment in the workplace
- Ensure that all employees are aware of the contents of this policy and their role in helping to prevent workplace harassment
- Support this program and not ignore workplace harassment, in order to let their staff know that they take the issue of workplace harassment seriously
- Promote enrolment in training courses in these areas that are available to employees
- Ensure their own skills in these areas are current
- Take immediate action when necessary
- Immediately report complaints or incidents to the CEO or Manager of Human Resources and any action taken
- Ensure that proper procedures are followed when a report of an incident is received, that the report is investigated promptly and fairly, that confidentiality is protected, that the rights, dignity and privacy of all parties are respected and shall

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keep a confidential personal record of all discussions. Managers must consult with Human Resources prior to disclosing any information relating to an informal action, a formal complaint, its investigation and or resolution to anyone

- Coordinate general training for employees in consultation with the Human Resources Office
- Cooperate with the investigating team and be a member of the investigating team if required.

## **16. RESPONSIBILITY OF THE EMPLOYER**

- The employer will investigate and deal with all complaints or incidents of workplace harassment in a fair and timely manner.
- Information about a complaint or incident will not be disclosed except to the extent necessary to protect workers, to investigate the complaint or incident, to take corrective action or as otherwise required by law.

## **17. HOW TO REPORT WORKPLACE HARASSMENT**

### **17.1 Obligation to Report**

An employee must report a situation that he/she feels is workplace harassment. A report may be made by the actual victim of harassment, by a co-worker who witnessed the incident or by a third party reporting on behalf of the victims.

Employees who, with good intentions, provide information about behaviour or actions which they perceive as harassment will not be subject to disciplinary or other form of reprisal if their perceptions are not substantiated. A worker will not be penalized for participating in a workplace harassment investigation. However, if it is learned that an employee intentionally made a false report or provided false information regarding the report, disciplinary action shall be taken.

### **17.2 How to make a report**

- i. A report should be made as soon as possible after the relevant action or behavior occurred.
- ii. Workers can report incidents or complaints or workplace harassment verbally or in writing. When submitting a written complaint, please include the following information:
  - a. Name and contact information of complainant
  - b. Name of alleged harasser(s) and contact information, if available
  - c. Details of the complaint (include the names of the parties involved; any witnesses to the incidents); the location, date and time of the incident(s); details about the incident(s) (behavior and/or words used); any additional details

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- d. Relevant documents/evidence (emails, notes, photos, physical evidence)

17.3 Who to Report Workplace Harassment To

- i. Report a workplace harassment incident or complaint to your Manager or the Manager of Human Resources.
- ii. If the complainant's manager is the person engaging in the workplace harassment, contact the Manager of Human Resources or any other Manager or Director.
- iii. If a senior executive is the person engaging in the workplace harassment, contact the Manager of Human Resources or any other senior executive.
- iv. The person designated as the reporting contact should not be under the direct control of the alleged harasser.
- v. Human Resources shall be notified of the workplace harassment incident or complaint so that they can ensure an investigation is conducted that is appropriate in the circumstances.

17.4 Investigation

- i. To the extent possible, the investigator shall ensure that the incident is investigated promptly and fairly in a discreet and confidential manner.
- ii. As soon as reasonably practical, the investigator shall initiate the investigation by meeting with the individual who made the report. The individual has the right to be accompanied by another employee. The investigator shall confirm receipt of the report, clarify details and apprise the individual of the steps that will be taken.
- iii. After speaking with the appropriate Manager, the investigator has the authority, subject to applicable laws, to talk with anyone, examine any documents, and enter any work location.
- iv. An employee who refuses to discuss or cooperate with interventions to assess, may, if information is uncovered through fact-finding to establish a reasonable possibility of risk, be suspended without pay and benefits until he/she agrees to cooperate and provides proof of cooperation. Refusal to cooperate may result in dismissal.
- v. Interventions that may form part of a risk assessment or plan of action for a library employee who is the subject of a report or investigation may include referral to the employee's physician, use of short term disability, temporary leave of absence, referral to counseling and other services through the employee assistance program.

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- vi. Depending on the circumstances, the Manager and CEO may determine it is appropriate to physically and operationally separate the employees (if two employees are involved).

**17.5 Findings and Recommendations**

When the investigation is complete the investigator will submit a confidential written document to the CEO summarizing the findings and conclusions and will recommend corrective action if appropriate.

**17.6 Discipline**

- i. Actions that warrant consideration may include changes to physical work space, changes to work schedules, changes to procedures, withdrawal of services, and the use of appropriate court orders.
- ii. Employees found to be at risk of engaging in harassment or who have engaged in harassment shall be subject to discipline up to and including suspension and/or dismissal if warranted.
- iii. The appropriate disciplinary action imposed, if any, shall be determined by the CEO or the Library Board in the event that the CEO is the respondent.

**18. RESOURCES**

A worker may consult the following resources to help address workplace harassment:  
Union representative  
Joint Health & Safety Committee member or Health & Safety representative  
Human Rights Legal Support Centre  
Employee Assistance Program

**19. POLICY REVIEW**

The Ministry of Labour requires that this policy be reviewed annually.

Motion #10-20	Approved April 22, 2010
Motion #11-16	Revised April 28, 2011
Motion # 13-22	Revised July 24, 2013
Motion #14-36	Revised November 27, 2014
Motion #15-27	Reviewed June 25, 2015
Motion #16-34	Reviewed June 23, 2016
Motion #17-35	Revised June 22, 2017