

**Type:** Health & Safety**Authority:** Board**Resolution No:** BMPL 2018-78 on 4-19-18; POL-ADM.2018.48

Associated Documents:

- The Occupational Health and Safety Act (OHSA), R.S.O. 1990
- Ontario Human Rights Code, R.S.O. 1990 Chapter H.19
- Criminal Code RSC 1985, c C-46

Legal Framework

The Associated Documents list above identifies the primary Acts and external documents which apply to the Board and direct the CEO.

ADM.2018.48.1 Commitment to Respectful Workplaces

1. The Blue Mountains Public Library Board recognizes the dignity and worth of every person and is committed to providing a workplace free from violence, discrimination and harassment, and in ensuring any complaint is addressed in a timely manner with fairness and confidentiality.
2. Workplace violence, discrimination or harassment shall not be tolerated from any person, including the CEO, Board Members, staff, volunteers, users, visitors, or family members.
3. The CEO will report to the Board on compliance with this policy, including the number of incidents, how they were dealt with, and any recommendations made. This report will be done on a yearly basis.
4. As a result of this annual report, or upon any report of non-compliance, the Board will evaluate the effectiveness of this policy and make any changes needed.

ADM.2018.48.2 Workplace Violence

1. The Blue Mountains Public Library recognizes the definition of violence as set out in the *Occupational Health and Safety Act*. The Occupational Health and Safety Act defines workplace violence as the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker. It also includes an:
 - 1.1. Attempt to exercise physical force against a worker in a workplace, that could cause physical injury to the worker; and a
 - 1.2. Statement or behaviour that a worker could reasonably interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker.
2. Violence in the workplace includes but is not limited to:
 - 2.1. Verbally threatening to attack a worker;
 - 2.2. Leaving threatening notes or sending threatening e-mails to the workplace;
 - 2.3. Shaking a fist in a worker's face;
 - 2.4. Spitting or otherwise spreading bodily fluids;
 - 2.5. Wielding a weapon or any object which can be used as such;
 - 2.6. Hitting or trying to hit a worker;
 - 2.7. Throwing or kicking an object; or

- 2.8. Sexual aggression against a worker;
- 2.9. Kicking an object the worker is standing on, such as a ladder;
- 2.10. Trying to run down a worker using a vehicle or equipment;
- 2.11. Intentionally or recklessly damaging the property of others;
- 2.12. Intentionally causing alarm;
- 2.13. Creating a hazardous condition or danger by recklessly engaging in conduct which creates a substantial risk of serious physical injury; or
- 2.14. Intentionally placing or attempting to place another person in fear of imminent physical injury.

ADM.2018.48.3 Workplace Discrimination

1. The BMPL adheres to Ontario *Human Rights Code* with respect to the right of freedom from discrimination in employment: *“Every person has a right to equal treatment with respect to employment without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offences, marital status, family status or disability”*. HRC R.S.O. 1990, CHAPTER H. 19 s. 5.1
2. Discrimination in the workplace may include abuse of authority or position of power:
 - 2.1. To endanger a staff member’s job;
 - 2.2. To undermine the performance of that job;
 - 2.3. To threaten the economic livelihood of the staff member; or
 - 2.4. To interfere with or influence the career of the staff member in any way.

ADM.2018.48.4 Workplace Harassment

1. The Board recognizes the definition of harassment as set out in the Ontario *Human Rights Code* and the *Occupational Health and Safety Act*, both of which define harassment as engaging in a course of vexatious comments or conduct that is known or ought reasonably to be known to be unwelcome.
2. The definition of Workplace Harassment includes Workplace Sexual Harassment.
3. The Ontario *Human Rights Code* and the *Canadian Human Rights Code* prohibit harassment in the workplace on the grounds of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offences, marital status, family status, or disability.
4. The *Occupational Health and Safety Act* identifies harassment as personal, and not as a result of one’s participation in a recognized group, which would otherwise be covered by the criminal code.
5. The definition of workplace harassment includes workplace sexual harassment, psychological harassment and personal harassment. This may involve:
 - 5.1. Unwelcome words or actions that are known or should be known to be offensive, embarrassing, humiliating or demeaning to a worker or group of workers, in a workplace;
 - 5.2. Behaviour that intimidates, isolates or even discriminates against the targeted individual(s);
 - 5.3. Making remarks, jokes or innuendos that demean, ridicule, intimidate, or offend;
 - 5.4. Displaying or circulating offensive pictures or materials in print or electronic form;
 - 5.5. Bullying; or
 - 5.6. Repeated offensive or intimidating phone calls or e-mails.

ADM.2018.48.5 Workplace Sexual Harassment

1. The Board is committed to providing a safe environment for all its employees, free from discrimination on any grounds and from harassment at work including sexual harassment. Sexual Harassment is against the law and is a form of gender discrimination. The Board has a zero-tolerance policy for any form of sexual harassment in the workplace, and will address all allegations of Sexual Harassment in a timely manner in fairness and confidentiality. Any person found to have sexually harassed another may face consequences which may include disciplinary action, up to and including dismissal and notification of police.
2. No person making a complaint in good conscience will be disadvantaged in any way by the employer for making such a complaint.
3. Sexual harassment is defined as:
 - 3.1. 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;
 - 3.2. Making a sexual solicitation or advance where the person making it 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 the solicitation or advance is unwelcome.
4. Anyone can be a victim of sexual harassment, regardless of their gender or sexual orientation or of the gender or sexual orientation of the harasser. The Board recognizes that sexual harassment may also occur between people of the same gender. What matters is that the sexual conduct is unwanted and unwelcomed by the person towards whom the conduct is directed.
5. Sexual harassment can involve one or more incidents, and actions constituting harassment may be verbal and/or non-verbal. Examples of conduct or behaviour which constitute sexual harassment include, but are not limited to:
 - 5.1. *Verbal conduct*
 - 5.1.1. Repeated and unwanted social invitations for dates or physical intimacy;
 - 5.1.2. Insults based on the sex of the worker; or
 - 5.1.3. Demanding hugs, dates, or sexual favours.
 - 5.2. *Condescending or paternalistic remarks*
 - 5.2.1. Sending sexually explicit messages (by phone or by email);
 - 5.3. *Physical conduct*
 - 5.3.1. Unnecessary physical contact; or
 - 5.3.2. Invading personal space.
 - 5.4. *Non-verbal conduct*
 - 5.4.1. Display or circulation of pornography, sexual images, or offensive sexual jokes in print or electronic form;
 - 5.4.2. Sexually-suggestive gestures;
 - 5.4.3. Whistling or “Cat Calling”; or
 - 5.4.4. Leering or inappropriate staring.
 - 5.5. *Unfair Disadvantages*
 - 5.5.1. The use of job-related threats or rewards to solicit sexual favours; or
 - 5.5.2. Threatening to penalize or otherwise punish a worker if they refuse a sexual advance.

6. Anyone, including the Personnel, Board members, Library users, contractors or visitors who sexually harasses another will be reprimanded in accordance with this internal policy and may be referred to the police.
7. All sexual harassment is prohibited whether it occurs on BMPL premises or other locations, including at social events, on business trips, at training sessions or at conferences which occur as scheduled hours of work.
8. Unwelcome sexual touching is considered sexual harassment or sexual violence and shall be reported to the police as assault.

ADM.2018.48.6 Implementation

1. The CEO is required to take all reasonable measures to ensure a respectful workplace free from violence, discrimination and harassment for all Personnel.
2. The CEO shall ensure that this policy is widely disseminated to all Personnel. All new employees must receive training on the content of this policy as part of their induction into BMPL.
3. Every year, the CEO will require all employees to attend a refresher training course on the content of this policy.
4. The CEO, in partnership with the JHSC, must develop and maintain a Workplace Violence Program. (See Appendix). The program shall set out:
 - 4.1. A process for assessing the risk of violence, harassment, sexual harassment in the workplace;
 - 4.2. Means to control risk including those from domestic violence;
 - 4.3. Procedures for reporting incidents of violence and harassment; and
 - 4.4. The process for addressing and investigating violent incidents and complaints.
5. The CEO shall ensure that all employees receive information and are trained on Workplace and Harassment Violence issues including:
 - 5.1. How they may be exposed to workplace violence;
 - 5.2. How they should communicate incidents;
 - 5.3. Prevention of workplace violence and harassment including risk factors; and
 - 5.4. The responsibility to make notification of personal or domestic situations which could enter the BMPL buildings.
6. The CEO, in partnership with the JHSC, must develop and maintain a Workplace Discrimination and Harassment Program. (See Appendix). The program shall set out:
 - 6.1. Procedures for reporting incidents of discrimination and harassment, including sexual harassment; and
 - 6.2. The process for addressing and investigating discrimination and harassment, including sexual harassment.

ADM.2018.48.7 Sanctions and Disciplinary Measures

1. The nature of the sanctions will depend on the gravity and extent of the violence, discrimination and/or harassment. Suitable deterrent sanctions will be applied to ensure that incidents of sexual

harassment are treated seriously. Certain serious cases, including physical violence, will result in the immediate dismissal of the harasser. All criminal matters will be reported to the police.

2. Anyone who has been found to have committed an act of violence or threat of violence, or to have discriminated against and/or harassed another person under the terms of this policy is liable to any of the following sanctions:
 - 2.1. Verbal or written warning;
 - 2.2. Mandated counselling and/or training;
 - 2.3. Adverse performance evaluation;
 - 2.4. Demotion, if in the case of supervisor/direct report relationship;
 - 2.5. Suspension; and
 - 2.6. Dismissal.
3. Personnel who are found to have made false or malicious complaint(s) shall be subject to disciplinary action which may include suspension or termination.

ADM.2018.48.8 Confidentiality and False Reports

1. All investigations shall be conducted in confidence, to the extent possible. The Personnel and Board Members acknowledge that disclosure to additional staff or the Board may be required to prevent workplace violence. Privacy may be waived by the CEO in order to ensure the safety of Personnel, users and Board Members.
2. Documents shall be stored within the Personnel Files and access to these records shall follow MFIPPA.
3. Personnel who are found to have made false or malicious complaints shall be subject to disciplinary action which may include suspension or termination.

Original Approval: 2018-04-19

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