

North Grenville Public Library

Policy Type: **Human Resources**

Policy Number: **3.4.7/8**

Policy Title: **Harassment and Violence in the Workplace**

Policy Approval Date: **February 2011**

Policy Review Date: **May 2015**

The North Grenville Public Library is committed to providing and maintaining a working environment that is based on respect for the dignity and rights of everyone in the organization. It is the Library's goal to provide a healthy, safe work environment that is free of any form of violence or harassment.

The North Grenville Public Library follows the Harassment and Violence in the Workplace Policy of the Municipality of North Grenville (Policy #A-B, Revised May 2015) with the following changes.

1. Where reference is made in the North Grenville Policy to the Chief Administrator Officer (CAO) this will be the Library Chief Executive Officer (CEO) for employees, volunteers, contractors and consultants working in the Library, with the exception of municipal staff and contractors hired by the municipality.
2. Within the Library the Chief Executive Officer (CEO) acts as the workplace coordinator with respect to harassment and violence in the workplace. All complaints from staff or volunteers, working in the Library, should be directed to the CEO.
3. In the case that a complaint is against the CEO, any reference in the policy/procedure that places a responsibility on the CEO shall be placed on the Library Board, with the designated Chair being the contact person.
4. When there is a requirement for advisors, the CEO will seek assistance from the Municipality's CAO to determine whether the advisors appointed by the Municipality can assist with any issues.

Related Documents:

Municipality of North Grenville Harassment and Violence in the Workplace (Policy # A-B) and associated appendices. (See attached)

		Policy # A-8
		Approval Date: July 2010
Title:	Harassment and Violence in the Workplace Policy	
Applies To:	All Employees	

POLICY STATEMENT:

The Municipality of North Grenville is committed to providing and maintaining a working environment that is based on respect for the dignity and rights of everyone in the organization. It is the Municipality of North Grenville’s goal to provide a healthy, safe work environment that is free of any form of violence or harassment.

PROCEDURE:

1. SCOPE

- i. This policy applies to all employees, contractors and consultants.
- ii. It applies in any location in which you are engaged in work-related activities. This includes, but is not limited to:
 - a) The workplace
 - b) During work-related travel
 - c) At restaurants, hotels or meeting facilities that are being used for business purposes
 - d) In company-owned or leased facilities
 - e) During telephone, e-mail or other communications
 - f) At any work-related social event, whether or not it is municipally sponsored
 - g) During your use of the internet, including instant messaging, blogging and social networking sites.
- iii. This policy also applies to situations in which you are harassed or subjected to violence in the workplace from individuals who are not employees of the organization, such as ratepayers, customers and suppliers, although the available remedies may be constrained by the situation.

- iv. In the case that a complaint is against the Chief Administrative Officer, any reference in this policy that places a responsibility on the Chief Administrative Officer shall be placed on Council, with the Mayor being the contact person.

2. DEFINITIONS

- i. 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 in employment, or equality in the terms and conditions of employment. The protected grounds of discrimination are:

- a) Race, colour, ancestry, citizenship, ethnic origin or place of origin
- b) Creed, religion
- c) Age
- d) Sex (including pregnancy and gender identity)
- e) Sexual orientation
- f) Family, marital or same-sex partnership status
- g) Disability or perceived disability
- h) A record of offences for which a pardon has been granted under the federal *Criminal Records Act* and has not been revoked, or an offence in respect of any provincial enactment.

- ii. Sexual Harassment

Sexual harassment includes conduct or comments of a sexual nature that the recipient does not welcome or that offend him or her. It also includes negative or inappropriate conduct or comments that are not necessarily sexual in nature, but which are directed at an individual because of his or her gender.

Both men and women can be victims of harassment, and someone of the same or opposite sex can harass someone else. Some examples of sexual harassment are:

- a) Sexual advances or demands that the recipient does not welcome or want
- b) Threats, punishment or denial of a benefit for refusing a sexual advancement
- c) Offering a benefit in exchange for a sexual favour
- d) Leering (persistent sexual staring)

- e) Displaying sexually offensive material such as posters, pictures, calendars, cartoons, screen savers, pornographic or erotic web sites or other electronic material
- f) Distributing sexually explicit e-mail messages or attachments such as pictures or videos files
- g) Sexually suggestive or obscene comments or gestures
- h) Unwelcome remarks, jokes, innuendoes, propositions or taunting about a person's body, clothing or sex
- i) Persistent, unwanted attention after a consensual relationship ends
- j) Physical contact of a sexual nature, such as touching or caressing
- k) Sexual assault

iii. 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 him or her. Some examples of discriminatory harassment are:

- a) Offensive comments, jokes or behaviour that disparage or ridicule a person's membership in one of the protected grounds, such as race, religion or sexual orientation.
- b) Imitating a person's accent, speech or mannerisms
- c) Persistent or inappropriate questions about whether a person is pregnant, has children or plans to have children
- d) Inappropriate comments or jokes about an individual's age, sexual orientation, personal appearance or weight

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" and it is also a form of harassment. Some examples of actions that can create a poisoned work environment include:

- a) Displaying offensive or sexual materials such as posters, pictures, calendars, web sites or screen savers
- b) Distributing offensive e-mail messages, or attachments such as picture or video files
- c) Practical jokes that embarrass or insult someone, or
- d) Jokes or insults that is offensive, racist or discriminatory in nature

iv. Workplace Harassment and Bullying

Workplace harassment is a health and safety issue that is covered under the *Occupational Health & Safety Act (OHSA)*. The OHSA defines workplace harassment as "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." Workplace harassment may have some or all of the following components:

- a) It is generally repetitive, although a single serious incident may constitute workplace harassment if it undermines the recipient's psychological or physical integrity and has a lasting harmful effect.
- b) It is hostile, abusive or inappropriate
- c) It affects the person's dignity or psychological integrity
- d) It results in a poisoned work environment

In addition, behaviour that intimidates isolates or discriminates against the recipient may also be included. Some examples of workplace harassment are:

- a) Verbally abusive behaviour, such as yelling, insults, ridicule and name-calling including remarks, jokes or innuendos that demean, ridicule, intimidate or offend
- b) Workplace pranks, vandalism, bullying and hazing
- c) Gossiping or spreading malicious rumours
- d) Excluding or ignoring someone, including persistent exclusion of a particular person from workplace-related social gatherings
- e) Undermining someone else's efforts by setting impossible goals, with short deadlines and deliberately withholding information that would enable a person from doing their job
- f) Providing only demeaning or trivial tasks in place of normal job duties
- g) Humiliating someone
- h) Sabotaging someone else's work
- i) Displaying or circulating offensive pictures or materials
- j) Offensive or intimidating phone calls, e-mails or text messages
- k) Impeding an individual's efforts at promotions or transfers for reasons that are not legitimate
- l) Making false allegations about someone in memos or other work-related documents

Workplace harassment should not be confused with legitimate, reasonable management actions that are part of the normal work function, including:

- a) Measures to correct performance deficiencies, such as placing someone on a performance improvement plan
- b) Imposing discipline for workplace infractions
- c) Requesting medical documents in support of an absence from work

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

The test of harassment:

It does not matter whether the harasser intended to offend someone. The test of harassment is whether the harasser knew or should have known that the comments or conduct were unwelcome to the other person.

Although it is commonly the case, the harasser does not necessarily have to have power or authority over the victim. Harassment can occur from co-worker to co-worker, supervisor to employee and employee to supervisor.

v. Workplace and Domestic Violence

Workplace and domestic violence that may occur in the workplace are health and safety issues, which are covered under the OHSA.

Workplace Violence

Workplace violence is defined under the OHSA as:

- a) The exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker
- b) An attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker
- c) A statement of 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

It is defined broadly enough to include acts that may be considered criminal. Workplace violence includes:

- a) Physically threatening behaviour such as shaking a fist at someone, finger pointing, destroying property, throwing objects
- b) Verbal or written threats to physically attack a worker
- c) Leaving threatening notes or sending threatening e-mails
- d) Wielding a weapon at work
- e) Stalking someone
- f) Physically aggressive behaviours including 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 or sexual assault

Violence that occurs outside the normal workplace but which has an impact on the working environment, including working relationships, may also be considered violence in the workplace.

Workplace violence may come from many different sources:

- a) Strangers or people with no ties to the workplace
- b) Clients, customers or suppliers
- c) Other employees
- d) Intimate relationships outside of work (such as intimate partners, family and friends)

Domestic Violence

If you are experiencing domestic violence that would likely expose you, or other workers, to physical injury that may occur in the workplace, we will take every precaution reasonable to protect you and your co-workers in the circumstances. This may include some of all of the following:

- a) Creating a safety plan
- b) Contacting police
- c) Establishing enhanced security measures, subject to available resources, such as a panic button, code words, and door and access security measures
- d) Screening calls and blocking certain e-mail addresses
- e) Setting up priority parking or providing escorts to your vehicle
- f) Adjusting your working hours so that they are not predictable
- g) Facilitating your access to counselling through community programs and services

We appreciate sensitivity of these issues and will do our best to assist you as discreetly as possible while maintaining your privacy.

3. PREVENTING HARASSMENT AND VIOLENCE

It is our mutual responsibility to ensure that we create and maintain a harassment and violence-free workplace and address violence and/or the threat of violence from all possible sources, including customers, clients, employers, supervisors, worker, strangers and domestic/intimate partners.

The Municipality of North Grenville will do its part by not tolerating or condoning discrimination, harassment or violence in the workplace. This includes making everyone in our organization aware of what behaviour is and is not appropriate,

assessing the risk or workplace violence, investigating complaints and imposing suitable corrective measures.

As part of its commitment to eliminating workplace violence and harassment, the Municipality of North Grenville has appointed four (4) Advisors (APPENDIX A) within the workplace that can provide support to employees should they require assistance regarding workplace violence and harassment and as an alternative means if they are not comfortable going to their Director or Supervisor with regards to any concerns they may have or be experiencing.

Duties of Directors and Supervisors

Directors and supervisors are expected to assist in creating a harassment free workplace and to immediately contact the Chief Administrative Officer if they receive a complaint of workplace harassment or violence or witness or are aware of harassing or violent behaviour.

They must take every precaution to protect employees from workplace violence, including evaluating a person's history of violent behaviour to determine whether and to whom this employee poses a risk. In making this evaluation, Directors and Supervisors should consider:

- a) Whether the person's history of violence was associated with the workplace or work
- b) Whether the history of violence was directed at a particular employee or employees in general
- c) How long ago the incidence of violence occurred

In certain circumstances, Directors 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 the course of his or her work, and the risk of workplace violence is likely to expose the employee to physical injury. Directors 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 physical injury. The Directors and Supervisors shall consult with the Chief Administrative Officer prior to releasing information about a person with a history of violence.

Duties of All Employees

You must do your part by ensuring that your behaviour does not violate this policy and by fostering a work environment that is based on respect and is free of harassment.

You are also required to report to your Director, Supervisor, Advisor or the Chief Administrative Officer the existence of any workplace violence or threat of workplace violence.

Duties of Advisors

Advisors are available to assist you in understanding your rights and obligations under this policy. The list of Advisors is attached as APPENDIX A.

The role of Advisors is to:

- a) Act as a resource and answer inquiries with respect to this policy
- b) Discuss complaints on a confidential basis, unless the Advisors are required to release information by law or where there is a risk of harm to you or another individual
- c) Assist individuals who may be experiencing domestic violence that may expose them to a risk of physical injury in the workplace
- d) Assist in the informal resolution of complaints through counselling
- e) Engage in discussions with the respondent to see if the matter can be resolved informally

To avoid any potential conflicts of interest, the Advisors are not involved in conducting formal investigations.

Advisors are impartial and may provide assistance in resolving issues of harassment and discrimination to any employee, contractor or consultant. That can include facilitating a solution between two or more affected parties or assisting a complainant, respondent or witness during an investigation.

Advisors are advocates for a respectful workplace – they are not advocates for a particular individual. Advisors maintain confidentiality to the extent practicable and appropriate under the circumstances. They are not investigators under the policy nor are they decision makers.

Advisors shall successfully complete Crisis Intervention and Peer Support training prior to fulfilling their role.

In carrying out their duties under this policy, Advisors will be directly responsible to the Chief Administrative Officer.

The names of the Municipality of North Grenville's Advisors are attached to this policy as APPENDIX A and may be amended from time to time by the Chief Administrative Officer.

4. PROCEDURES FOR RESOLVING AND INVESTIGATING HARASSMENT COMPLAINTS

i. Informal Procedure

If you believe that you are being harassed, the first thing to do 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 includes:

- a) "I don't want you to do that."
- b) "Please stop doing or saying..."
- c) "It makes me uncomfortable when you..."
- d) "I don't find it funny when you..."

If the harassment continues after you have confronted the individual, you may want to provide him or her with a written statement of the situation. Include specific details of the behaviours you consider to be harassing, your request to the harasser to stop and your expectations that he or she will stop. Provide details of the next steps you plan to take if the harassment does not stop, such as filing a formal complaint. Make sure to keep a copy of this statement for yourself.

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 was your response.

If you believe that someone who is not a member of the organization i.e. a customer, supplier, consultant, has harassed or discriminated against you, please report the harassment to your Director or Supervisor. Although North Grenville has limited control over third parties, we will do our best to address the issue and prevent further problems from arising.

ii. Formal Procedure

If the complaint cannot be resolved informally or it is too serious to handle on an informal basis, you may bring a formal complaint to the Chief Administrative Officer. The Chief Administrative Officer acts as the workplace coordinator with respect to harassment and violence in the workplace.

If you bring a formal complaint we will need as much written information as possible, including the name of the person you believe is harassing you, the place, date and time of the incident(s), and the names of any possible witnesses. A copy of the Workplace Respect Complaint Form is available

from any Director, Supervisor or Advisor. APPENDIX B.

It is important that we receive your complaint as soon as possible so that the problem does not escalate or happen again. Once we receive your complaint, we will initiate a formal investigation if it is necessary and appropriate to do so.

Discrimination and harassment are serious matters. Therefore, if you decide not to make a formal complaint, we may still need to investigate the matter and take steps to prevent further harassment. For example, we may need to continue with an investigation if the allegations are serious or if there have been previous complaints or incidents involving the respondent.

Please note that it is North Grenville's policy not to investigate anonymous complaints unless there are extenuating circumstances.

Investigation Procedure

The Chief Administrative Officer will commence an investigation as quickly as possible. He/She may choose to use either an internal or external investigator, depending on the nature of the complaint.

The investigation will include:

- a) Interviewing the complainant and respondent to ascertain all of the facts and circumstances relevant to the complaint, including dates and locations
- b) Interviewing witnesses, if any
- c) Reviewing any related documentation
- d) Making detailed notes of the investigation and maintaining them in a confidential file

Once the investigation is complete, the investigator(s) if using an outside agency will prepare a detailed report of the findings to the Chief Administrative Officer. A summary of the finding will also be provided to the complainant and respondent.

It is our goal to complete any investigation and communicate the results to the complainant and respondent within 30 days after we receive the complaint, where possible. If this is not possible, the Chief Administrative Officer will communicate with the complainant and respondent on a bi-weekly basis to ensure that they are kept informed about the progression of the investigation.

Corrective Action

The Chief Administrative Officer will determine what action should be taken as a result of the investigation.

The Chief Administrative Officer will inform the complainant and respondent of the results of the investigation and whether (but not necessarily what) corrective measures were taken, if any were necessary.

If a finding of harassment is made, the Municipality of North Grenville will take appropriate corrective measures, regardless of the respondent's seniority or position in the organization.

Corrective measures may include one or more of the following:

- a) Discipline, such as a verbal warning, written warning or suspension without pay
- b) Termination with or without cause
- c) Referral for counselling (sensitivity training), anger management, supervisory skill training or attendance at educational programs on workplace respect
- d) A demotion or denial of a promotion
- e) Reassignment or transfer
- f) Financial penalties, such as the denial of performance-related salary increase
- g) Any other disciplinary action deemed appropriate under the circumstances, up to including termination

If there is not enough evidence to substantiate the complaint, corrective measures will not be taken.

If you make a complaint in good faith and without malice, regardless of the outcome of the investigation, you will not be subject to any form of discipline. The Municipality of North Grenville will, however, discipline or terminate anyone who brings a false and malicious complaint.

5. PROCEDURE FOR RESOLVING AND INVESTIGATING WORKPLACE VIOLENCE

You have the right to refuse work if workplace violence is likely to endanger you. In that instance, please immediately contact your Director or Supervisor at which point measures will be taken to protect you and investigate the situation. You will be moved to a safe place as near as reasonably possible to your normal work station and will need to be available for the purposes of investigating the incident. In some circumstances, you may be provided with reasonable alternative work during normal working hours.

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

- a) Equipment to summon assistance, fixed or personal alarms, locator or tracking systems, telephones etc
- b) Emergency telephone number and/or e-mail addresses
- c) Emergency procedures

Provided the situation is dealt with quickly and the danger to workers is removed, the necessity of a worker refusing to work may be alleviated. In no way, regardless of the actions taken to deal with the threat of violence, is a worker's right to refuse work limited.

Investigation Procedure

You are required to report the existence of any workplace violence or threat of workplace violence to any Director, Supervisor, Advisor or the Chief Administrative Officer. The Chief Administrative Officer will commence an investigation as quickly as possible. We may choose to use either an internal or external investigator depending on the nature of the complaint.

The investigation will include:

- a) Interviewing the complainant and respondent to ascertain all of the facts and circumstances relevant to the complaint, including dates and locations
- b) Interviewing witnesses, if any

- c) Reviewing any related documentation
- d) Making detailed notes of the investigation and maintaining them in a confidential file

Once the investigation is complete, the investigator(s) will prepare a detailed report of the findings to the Chief Administrative Officer, A summary of the findings will also be provided to the complainant and respondent.

It is our goal to complete any investigation and communicate the results to the complainant and respondent within 30 days after we receive the complaint, where possible. If this is not possible, the Chief Administrative Officer will communicate with the complainant and respondent on a bi-weekly basis to ensure that they are kept informed about the progression of the investigation.

Corrective Action

The Chief Administrative Officer will determine what action should be taken as a result of the investigation.

The Chief Administrative Officer will inform the complainant and respondent of the results of the investigation and whether (but not necessarily what) corrective measures were taken, if any were necessary.

If a finding of workplace violence is made, the Municipality of North Grenville will take appropriate corrective measures, regardless of the respondent's seniority or position in the organization.

Corrective measures may include one or more of the following:

- a) Discipline, such as a verbal warning, written warning or suspension without pay
- b) Termination with or without cause
- c) Referral for counselling (sensitivity training), anger management, supervisory skill training or attendance at educational programs on workplace respect
- d) A demotion or denial of a promotion
- e) Reassignment or transfer
- f) Financial penalties, such as the denial of performance-related salary increase
- g) Any other disciplinary action deemed appropriate under the circumstances, up to including termination

If there is not enough evidence to substantiate the complaint, corrective measures will not be taken.

If you make a complaint in good faith and without malice, regardless of the outcome of the investigation, you will not be subject to any form of discipline. The Municipality of North Grenville will, however, discipline or terminate anyone who brings a false and malicious complaint.

6. PROCEDURE FOR ADDRESSING DOMESTIC VIOLENCE

If you are experiencing domestic violence that would expose you to physical injury in the workplace, or if you are experiencing workplace violence or believe that workplace violence is likely to occur, you may seek immediate assistance by contacting any Director, Supervisor, Advisor or the Chief Administrative Officer. The Municipality of North Grenville will assist in preventing and responding to the situation.

7. CONFIDENTIALITY OF COMPLAINTS AND INVESTIGATIONS

The Municipality of North Grenville recognizes the sensitive nature of harassment and violence complaints and we will keep all complaints confidential, to the extent that we are able to do so. We will only release as much information as is necessary to investigate and respond to the complaint or situation or if required to do so by law.

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

8. PROTECTION FROM RETALIATION

The Municipality of North Grenville will not tolerate retaliations, taunts or threats against anyone who complains about harassment or takes part in an investigation. Any person who retaliates, taunts or threatens anyone in relation to a harassment or violence complaint may be disciplined up to and including termination.



Appendix A

Municipality of North Grenville Advisors Harassment and Violence in the Workplace Policy

In the commitment to eliminating workplace harassment and violence in the workplace, the Municipality of North Grenville has appointed four (4) Advisors within the workplace that can provide support to employees should they require any assistance regarding workplace harassment and violence as an alternative means if they are not comfortable going to their Director or Supervisor with regards to any concerns they may have or be experiencing.

The following employees are the Advisors within the Municipality of North Grenville.

Name	Title
Karen Dunlop	Director of Public Works

Mark Guy	Director of Parks, Recreation & Culture
Steve Leroux	Chief Building Official
Katie Valentin	Deputy Clerk/Communications Coordinator



Appendix B
Harassment - Violence Complaint Findings Report

This report details the finding of a workplace harassment or violence complaint. All findings are confidential, unless requested by any authorities as the subject of an investigation.

This report will not be publicized and is intended as an internal document. The Municipality of North Grenville will retain this information for statutory guidelines.

This report will not contain any personal opinions or judgements of the investigative team, but a summary of the facts as they were presented.

BACKGROUND

Name(s) of Investigator(s):	
Name(s) of Complainant(s):	
Name of Respondent(s):	
Name of Witness(es):	
Date(s) of Occurrence:	
Basic Summary of Complaint:	

List of Statements (from all parties) to be included in the Report

1.
2.
3.
4.
5.

Additional Evidence Gathered

1.
2.
3.
4.
5.

Summary of Findings

--

