



**Belleville**  
Public Library &  
John M. Parrott Art Gallery

## **LIBRARY POLICY**

**Policy Title: HARASSMENT AND DISCRIMINATION**

**Policy Type: Board - Operational**

**Date of Last Review: August 2015**

**Approved by Library Board: 20 November 2012**

**Policy Number: BPL007**

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The Belleville Public Library Board (the Board) recognizes the dignity and worth of its employees and is committed to providing a workplace free from harassment and discrimination. The Board will ensure that complaints are resolved quickly and with fairness and confidentiality. Managers, supervisors, Board members and staff are expected to uphold this policy and are responsible for respecting the dignity and rights of their co-workers and the public they serve.

The Board will not tolerate, ignore or condone workplace harassment or discrimination and considers harassment and discrimination to be serious offences which may result in disciplinary action up to and including dismissal.

### **Application**

The policy covers all employees (including part-time, temporary or full-time employees, including employees outside of the bargaining unit) in their relations with each other and with members of the Board. All individuals affected by this policy will be informed of this policy and are expected to adhere to it.

### **Confidentiality**

The Board, through the CEO or designate, must ensure that complaints are investigated and handled in a manner so that the identities of the persons involved are kept confidential.

It must be recognized that to the extent that the complainant chooses to initiate proceedings or make comments outside the Board's internal workplace harassment and discrimination prevention program, confidentiality cannot be guaranteed. It must also be recognized that information collected and retained is subject to release under the *Municipal Freedom of Information and Protection of Privacy Act*.

### **Harassment**

1. The Belleville Public Library 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 comment or conduct that is known or ought reasonably to be known to be unwelcome.

2. Prohibited harassment in the library workplace includes grounds under the Ontario ***Human Rights Code*** (race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offences, marital status, family status or disability).

3. The **Occupational Health and Safety Act** does not prescribe the nature of harassment. Prohibited harassment in the library workplace includes that which is personal in nature and not necessarily based on identification with a recognized group.

4. Harassment may include:

- a) making remarks, jokes or innuendos that demean, ridicule, intimidate, or offend
- b) displaying or circulating offensive pictures or materials in print or electronic form
- c) bullying
- d) repeated offensive or intimidating phone calls or e-mails
- e) inappropriate sexual advances, suggestions or requests

5. Uninvited sexual touching will be considered assault and may be reported to police.

### **Discrimination**

1. The Belleville Public Library adheres to Ontario **Human Rights Code** with respect to rights 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 may include abuse of authority or position of power that:

- a) endangers a staff member’s job
- b) undermines the performance of that job
- c) threatens the economic livelihood of the staff member
- d) interferes with or influence the career of the staff member in any way

### **Responsibilities and False Reports**

1. The CEO must develop and maintain a workplace harassment and discrimination program. See Appendix A.

2. The program will set out:

- a) procedures for reporting incidents of workplace harassment and discrimination
- b) the process for dealing with and investigating complaints

3. Employees who are the subject of a complaint will be provided with full details of the complaint and the identity of those who are lodging the complaint. The employee will be provided with an opportunity to provide a defence concerning the complaint and shall have union representation if requested at any point in the investigative process.

4. Employees found to have made false or malicious complaints will be subject to disciplinary action.

5. This policy will be reviewed annually by the Board and posted in the staff room. Documentation relating to the Workplace Harassment and Discrimination Program shall be made available to staff upon request.

Reviewed and approved by Belleville Public Library Board 11 August 2015

Signature of Board Chair:



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Date: 11 August 2015

Signature of Chief Executive Officer:



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Date: 11 August 2015

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## Appendix A

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### Workplace Harassment and Discrimination Prevention Program

A program of active prevention of harassment and discrimination shall be undertaken by management and involve:

1. Promoting staff awareness and training concerning workplace harassment and discrimination

A binder will be kept with print documentation, as well electronic files kept, to document the activities and training that is undertaken as part of the workplace harassment and discrimination prevention program. Training will be offered to staff periodically to ensure full understanding of the Human Rights Code and the Harassment and Discrimination Policy.

2. Reporting Incidents of Workplace Harassment and Discrimination

The Board encourages any staff member who believes that he/she has been subjected to harassment or discrimination to discuss the situation with the CEO.

In the event that there is a complaint against the CEO or a conflict of interest, a complaint shall be filed with the Board Chair. The Board may conduct an investigation or designate an individual to investigate and issue a report.

### No Reprisal

All employees have a right to be free from reprisal or threat of reprisals as a result of filing a complaint or being party to an investigation of a complaint. Reprisals will be taken seriously and may be subject to discipline.

### Representation

All parties involved in a complaint have the right to be represented by their union or another individual to the extent that the representation does not create a conflict. All parties have a right to legal representation at their own expense.

The staff member with a complaint must provide written notes about the events leading up to the complaint which include:

- a) What happened – a description of the events or situation
- b) When it happened – dates and times
- c) Where it happened
- d) Who saw the incident, if anyone

Any related documents or materials having to do with the complaint are to be made available.

3. Complaint Resolution Procedures

When resolving complaints, the CEO (or Board Chair) will advise the person against whom the complaint has been lodged. The CEO will begin a confidential investigation and finish within 30 days of the original complaint. Throughout the process, the CEO will keep all parties informed as he/she interviews the staff concerned and any witnesses, collects evidence, prepares a report and informs the parties in writing of the decision for resolving the complaint and the underlying reasons behind the decision. The CEO is responsible for imposing any disciplinary or corrective measures.

#### 4. File Retention and Disposal

Upon determination and notification of a support or non-support decision the file will be closed and retained by the CEO for a period of not less than five years from the date of closing.

Closed investigative files will be disposed of in an appropriate manner after the five-year period.

#### Reopening of files

Request for reopening of a closed file may be made upon written request to the CEO (or Board Chair) under the following circumstances:

- a) New and relevant information regarding a closed case
- b) New incident of harassment post-closure by the same respondent
- c) Reprisal is alleged to have occurred

#### 5. Monitoring

Follow-up is a critical component of effective complaint resolution. Unless the complaint has been dismissed, once a resolution of the complaint has occurred, the CEO or designate will monitor the situation periodically over a minimum six-month period from the date of resolution.

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## Appendix B

### Notes and Related Documents:

#### Ontario Human Rights Commission

Any staff member may file a complaint with the Ontario Human Rights Commission when the harassment or discrimination is related to one or more of the Human Rights Code's prohibited grounds - race, ancestry, place of origin, colour, ethnic origin, citizenship, creed (religion) sex, sexual orientation, disability, age, marital status, family status, receipt of public assistance, record of offences.

#### Related Documents

*Human Rights Code* R.S.O. 1990, Chapter H.19

*Occupational Health and Safety Act* R.S.O. 1990, CHAPTER O.1

*Bill 168 An Act to amend the Occupational Health and Safety Act with respect to violence and harassment in the workplace and other matters.* S.O. 2009 Chapter 23

Ministry of Labour. *Workplace Violence and Harassment: Understanding the Law.* Occupational Health and Safety Branch, Ministry of Labour, March 2010  
<http://www.labour.gov.on.ca/english/hs/pubs/index.php>