



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

## **LIBRARY POLICY**

**Policy Title: HARASSMENT AND DISCRIMINATION**

**Policy Type: Board - Operational**

**Date of Last Review: May 2019**

**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. The CEO, 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 Board Members and 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.

### **Investigations**

The Board, through the CEO or designate, must ensure that complaints are investigated thoroughly. All investigations and enquiries of a complaint must be handled in a manner that the identities of the persons involved are kept confidential. All files and reports resulting from investigations must remain 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*.

**Note:** During an investigation, the CEO may consult with the City of Belleville Human Resources Department and may refer to the current City of Belleville's Workplace Harassment Policy.

## Independent Third-Party Investigators

At any time the CEO or the Board may consult with and contract services from an independent third-party investigator in consultation with the City of Belleville Human Resources Department. The third-party investigator may be contracted to aid in any investigation relating to a complaint of Harassment or Racial Discrimination. All parties involved with a complaint will be interviewed by the independent third-party investigator. The resulting report from the third-party investigator will be confidential but must be made available to all parties involved in the investigation, and to the Board where appropriate.

## 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 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 sexual 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 up to and including dismissal.
5. Outside parties who have been found to make a false or malicious complaint may be subject to legal action.
6. This policy will be reviewed annually by the Board and made available to staff.

### No Reprisals

The party making a formal complaint has 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 up to and including dismissal.

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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

Reviewed and approved by Belleville Public Library Board 21 May 2019

Signature of Board Chair:



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Date: 21 May 2019

Signature of Chief Executive Officer:



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Date: 21 May 2019

## **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 promoting staff awareness and training concerning workplace harassment and discrimination.

Print documentation and electronic files will be retained to document the activities and training that is undertaken as part of the workplace harassment and discrimination prevention program. Training will be undertaken by new staff, and then subsequently reviewed by all staff every two years to ensure full understanding of the Human Rights Code and the Harassment and Discrimination Policy.

### **Procedures for reporting and investigating incidents of Workplace Harassment and / or 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 and launch a formal complaint.

The party making 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 witnessed the incident, if anyone

Any related documents or materials having to do with the complaint are to be made available to the CEO and the Library Board upon request, provided doing so does not create a conflict of interest.

Electronic surveillance (camera) footage may be reviewed and retained by the CEO and Manager of Public Service as part of the investigation process if available. Surveillance footage will be viewed by both the CEO and Manager together. Copy of the relevant surveillance footage shall be kept securely in the office of the CEO and / or in the digital files of the CEO and be included with the files and notes retained in the process of investigating the complaint.

In the event that there is a complaint against the CEO or Manager of Public Service, or any other similar conflict of interest arises, the complaint shall be filed with the Board Chair, and Vice Chair or alternate in consultation with the City HR Manager. The Board Chair and Vice Chair may conduct an investigation or designate an individual to investigate and issue a report on the complaint.

When resolving complaints, the CEO (or Board Chair) will advise the person against whom the complaint has been lodged within 10 business days of the original complaint. Specific details about the complaint and the identity of the person making the complaint will be provided to the person against whom the complaint has been lodged.

The CEO will begin a confidential investigation and every effort will be made to 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 that will inform 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 resulting from the investigation and subsequent report.

### **Representation**

All parties involved in a complaint have the right to be represented by their union representative, legal counsel, or another individual to the extent that the representation does not create a conflict of interest. All parties have a right to legal representation at their own expense throughout the investigation process.

The Board is under no obligation at any time to fund legal costs associated with complaints. However, the Board may choose to fund part or all of the legal costs incurred during the investigation of complaints made against a staff member or a Board member.

### **File Retention and Disposal**

Files related to investigations and the final report conclusions after the investigation shall be retained by the CEO for a period of not less than seven years from the date of closing.

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

### **Reopening of Files**

Request for reopening of a closed file may be made in writing 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
- d) The request for reopening the closed file is made within seven years of the closure

### **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

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### Notes and Related Documents:

#### Ontario Human Rights Commission

Any staff member, or the Union on behalf of a 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.

If, as a result of a complaint, a staff member is required to go before the Ontario Human Rights Commission or the Human Rights Tribunal, that staff member has the right to representation by their Union, by legal counsel, and / or by staff of the City of Belleville Human Resources Department.

#### 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>