

Muskoka Lakes Township Public Library
LIBRARY BOARD POLICY

Policy Type: Operational – Human Resources	Policy Number: OPHR-06
Policy Title: Workplace Discrimination and Harassment	Policy Approval Date: 11/12/24
Chairperson: V. Duke	Policy Review Date: 11/25

Intent:

The Muskoka Lakes Public Library Board (herein after referred to as the Board) recognizes the dignity and worth of every person and is committed to providing a workplace free from discrimination and harassment. It is committed to ensuring that any complaint is resolved quickly with fairness and confidentiality. Board members, employees and volunteers are expected to uphold this policy and will be held responsible by the Board if not following it.

Regulations:

In accordance with the ***Ontario Human Rights Code and Occupational Health and Safety Act*** workplace discrimination or harassment will not be tolerated from any person in the Library including Board members, employees, volunteers, Library members and users, family members and others doing business with the Library.

Definitions

Section 1: Discrimination

1. The *Ontario Human Rights Code* states that “*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, gender identity, gender expression, age, record of offences, marital status, family status or disability*”. Human Rights Code, R.S.O. 1990, chapter H.19 s. 5 (1).
2. Discrimination may include abuse of authority or position of power as follows:
 - a) to endanger an employee’s job
 - b) to undermine the performance of that job
 - c) to threaten the economic livelihood of an employee
 - d) to interfere with or influence the career of an employee in any way

Section 2: Workplace Harassment

1. Within the *Ontario Human Rights Code*, every person who is an employee has a right to freedom from harassment in the workplace by the employer or agent of the employer or by another employee.
2. The *Occupational Health and Safety Act* (OHSA) defines “workplace harassment” as engaging in a course of vexatious comments or conduct that is known or ought reasonably to be known to be unwelcome, As of September 2016, workplace harassment includes “workplace sexual harassment”, that is, engaging in a course of vexatious comments or

conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression or making a sexual solicitation or advance and the person knows or ought reasonably to know that the solicitation, advance, comment or conduct is unwelcome.

3. The *Ontario Employment Standards Act (ESA)* prohibits employers and anyone acting on their behalf from harassing or penalizing an employee in any way because the employee asks the employer to comply with the ESA or asks the employer about employee rights under the ESA.
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) making repeated offensive or intimidating telephone calls or e-mails
 - e) making inappropriate sexual advances, suggestions or requests
5. Uninvited touching may be considered assault and may be reported to the police.
6. A reasonable action taken by an employer or supervisor relating to the management and direction of workers or the workplace, within the conditions of the *Occupational Health and Safety Act* is not workplace harassment.

Responsibilities and False Reports

1. One of the primary purposes of the ***Occupational Health and Safety Act*** is to facilitate a strong Internal Responsibility System in the workplace. This means that everyone in the Library has a role to play in keeping the Library safe and healthy. Employees/volunteers in the Library who see a health and safety problem such as a hazard or contravention of the Act in the Library have a duty to report the situation to the employer and/or supervisor. Employers are required to address those situations.
2. The CEO will develop and maintain a Workplace Discrimination and Harassment Program (Appendix A)) in consultation with the Health and Safety representative. The Workplace Discrimination and Harassment program will set out:
 - a) a process for dealing with and investigating complaints including how parties involved will be made aware of outcomes and corrective action as well as how confidentiality will be maintained.
 - b) procedures for reporting incidents of workplace discrimination and/or harassment including measures for reporting incidents to an outside source, if necessary. The CEO or Board Chair will immediately advise the Board that a complaint has been filed and is being investigated
 - c) a formalized training program, as required by Bill 132
 - d) a system for maintaining all associated records should an inspection by the Ministry of Labour or employee inquiries occur
3. This policy and the Workplace Discrimination and Harassment Program (Appendix A) will be:

- a) reviewed by the Board and staff as often as necessary but at least once a year
- b) posted in the staff room

Related Documents:

Human Rights Code, R.S.O. 1990, chapter H.19, section 5 (1).

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

Bill 132: An Act to amend various statutes with respect to sexual violence, sexual harassment, domestic violence and related matters (Statutes of Ontario, 2016, Chapter 2)

Bill 168: An Act to amend the Occupational Health and Safety Act with respect to violence and harassment in the workplace and other matters. (Statutes of Ontario, 2009, Chapter 23)

Employment Standards Act

MLPL OPHR-08 Prevention of Workplace Violence

MLPL OPCIRC-17 Safety, Security and Emergencies in the Library

Appendix A

Program to Address Workplace Discrimination and Harassment

1. Awareness of Workplace Discrimination and Harassment Policy and Program

The *Workplace Discrimination and Harassment Policy* (OPHR -06) will be included in the Library's policy binder and will be posted in the staff area along with this *Workplace Discrimination and Harassment Program* information.

2. Training on Workplace Discrimination and Harassment Policy and Program

All employees and volunteers will receive information and instruction on the contents of policy OPHR-06 and the related program, as part of the initial orientation and on an annual basis. Each person will sign off that they have received this training and this information will be included in the training records for Library staff.

3. Reporting Incidents of Workplace Discrimination and Harassment

Employees and/or volunteers will not be penalized or disciplined for reporting an incident or for participating in an investigation involving workplace harassment.

Any employee or volunteer subjected to discrimination or harassment in the workplace should 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.

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

In the case of harassment, information about the incident or complaint, including identifying information about any individual involved will be kept confidential unless disclosure is necessary for protecting employees and/or volunteers, investigating a complaint or incident, taking corrective action or as required by law.

4. Complaint Investigation and Resolution Procedures

The CEO and/or Board will investigate and deal with all complaints or incidents of workplace harassment in a fair, respectful and timely manner.

An investigation that is appropriate in the circumstances will be conducted into incidents and complaints of discrimination or harassment. The CEO will advise the person against whom the

complaint has been lodged of the investigation. The Library recognizes and acknowledges that, under Bill 132, an inspector from the Ontario Ministry of Labour has the power to order the Board, as employer, to have an impartial third party conduct an investigation, at the Library's expense, and report the outcome of their findings to the complainant.

The CEO, or his or her designate, will initiate a confidential investigation immediately and finish within 30 days. At any time during a meeting or interview concerning a complaint, both the employee/volunteer lodging the complaint and the person against whom the complaint has been lodged has the right to be represented and accompanied by a person of his or her choice. If the employee/volunteer needs further assistance, he or she may contact the health and safety representative or employee assistance program.

Throughout the process, the investigator will keep all parties informed; interview the witnesses and employee concerned; collect evidence; prepare a report; and inform the parties, in writing, of the decision and the underlying reasons for the decision. The CEO or his or her designate will advise the Board when the investigation has been completed.

The CEO is responsible for imposing any disciplinary or corrective measures.

Any employee 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, gender identity, gender expression, age, record of offences, marital status, family status or disability.*