

Purpose

Burlington Public Library (BPL) is committed to providing a work environment in which all individuals are treated with mutual respect and dignity.

BPL recognizes that employees have the right to work in an environment that is free from harassment and discrimination as prohibited by the Ontario Human Rights Code. [Ontario Human Rights Code](http://www.ohrc.on.ca/en) <http://www.ohrc.on.ca/en>.

This Policy is to ensure a respectful workplace, prevent disrespectful behaviour and outline guidelines to address disrespectful workplace behaviour should it occur. In our diverse and equitable workplace, the Library endeavours to ensure all employees have the opportunity to contribute fully to the Library's mission, and that each employee's unique contribution is respected.

This Policy sets out guidelines for the reporting, investigating and resolving of Complaints of harassment, bullying and disrespectful behaviour in an effort to ensure a respectful workplace for everyone. All issues will be dealt with immediately and in as confidential a manner as possible.

Scope

This Code of Conduct Policy applies to all employees and volunteers including but not limited to regular, on call, contract, and students, including co-op placements and Board members (all classifications will be referred to hereafter as "employees" referred to hereafter as "employees").

Workplace relationships are not confined solely to the offices or buildings of BPL. It also includes, but is not limited to library social functions, business travel and library business functions such as conferences, ongoing development courses funded by BPL and in the broader Burlington Community.

Policy

Every person has a right to:

1. Equal treatment with respect to employment without discrimination.
2. Freedom from a poisoned environment.
3. A right to freedom from harassment and discrimination in the workplace by the employer and by another employee based on the prohibited grounds and social areas as outlined in the Ontario Human Rights Code.

Definitions

Complainant:

Complainant refers to a person or persons filing a complaint against another person or persons.

Respondent:

Respondent refers to a person or persons who have a complaint filed against them.

Discrimination:

Discrimination is unfair or unequal treatment of a person because of a prohibited ground.

Disrespectful behaviour is behaviour that:

- ought reasonably to be known or expected to be offensive, humiliating, or intimidating;
- has a clear and demonstrably negative effect on the complainant;
- includes either words or actions and can consist of a single incident or a number of incidents.

Harassment:

Workplace harassment is defined in the Occupational Health & Safety Act 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."

The comments or conduct typically happen more than once. They may occur over a relatively short period of time (for example, during the course of one day) or over a longer period of time (weeks, months or years). However, there may be a situation where the conduct happens only once.

Workplace harassment can include unwelcome and/or repeated words or actions that are known or should be known to be offensive, embarrassing, humiliating or demeaning to a worker or group of workers. It can also include behaviour that intimidates, isolates or even discriminates against a worker or group of workers in the workplace that are unwelcome.

The definition of workplace harassment is broad and include harassment prohibited under Ontario's Human Rights Code, as well as what is often called "psychological harassment" or "personal harassment."

Poisoned Environment:

An employee may feel that the workplace is hostile or unwelcoming because of insulting or degrading comments or actions that have been made about them and/or others based on a prohibited ground. When comments or conduct of this kind have an influence on others and how they are treated, this is known as a “poisoned environment.” A poisoned environment cannot be based on subjective views. There must be facts that show that the comments or conduct result in unequal or unfair terms and conditions and is an infringement of the Code.

Respectful Workplace is a work environment where individuals always treat each other with respect, which includes:

- inclusion of people with different backgrounds, strengths and opinions;
- safety from disrespectful, bullying or intimidating behaviours;
- individual accountability for effective workplace relationships involving the constructive resolution of differences.

Sexual Harassment:

Sexual harassment is sexually oriented conduct that creates an intimidating, hostile or offensive work environment. This includes statements, physical conduct and innuendo from either supervisors or fellow employees. Usually sexual harassment is a pattern of behaviour that happens frequently over a period of time. However, one incident can be grounds for a complaint. While the following is not an exhaustive list, staff should be free of repeated exposure to any of the following:

- Jokes or comments about sex and sexual matters
- Standing or sitting unduly close
- Inquiries or comments about an individual’s sex life
- Unwanted touching or patting
- Verbal abuse due to an employee’s gender
- Displaying sexually offensive pictures

Every person has a right to be free from

- a) a sexual solicitation or advance made by a person to confer, grant or deny a benefit or advancement to the person where the person making the solicitation or advance knows or ought reasonably to know that it is unwelcome; or,
- b) a reprisal or a threat of reprisal for the rejection of a solicitation or advance where the reprisal is made or threatened by a person in a position to confer, grant or deny a benefit or advancement to the person.

Roles & Responsibilities

Burlington Public Library

BPL has the primary responsibility to establish and maintain a work environment free of harassment as defined in this Policy. Employer responsibilities include:

- developing and maintaining a policy statement with respect to workplace bullying and harassment and policies to address bullying and harassment in the workplace;
- taking steps to prevent and minimize workplace bullying and harassment;
- developing and implementing procedures for the reporting of incidents or complaints of bullying and harassment;
- developing and implementing procedures for investigating and dealing with incidents and complaints;
- informing workers of policies and procedures;
- training supervisors and workers on all policies and procedures;
- ensuring there is an annual review of policies, procedures and training;
- not engaging in bullying and harassment of workers and supervisors and applying and complying with the employer policies and procedures.

Managers and Supervisors are responsible for:

All staff responsible for supervision have an essential role in preventing and resolving harassment issues. Their primary responsibilities with respect to harassment are:

- ensuring staff is provided with information about and access to policies and procedures related to harassment;
- not engaging in bullying and harassment of workers, other supervisors, the employer or persons acting on behalf of the employer;
- applying and complying with the employer's policies and procedures;
- modeling appropriate behaviour and monitoring the workplace for incidents of harassment;
- intervening promptly and appropriately when they know, or ought reasonably to know, that harassment, bullying or disrespectful behaviour is occurring.

Human Resources

The responsibilities of Human Resources include to:

- ensure a fair, prompt and equitable process is followed;
- champion respectful workplace behaviours and practices;
- protect the privacy and confidentiality of all individuals involved;
- work with appropriate management staff to determine corrective action.

Employees are responsible for:

All employees are part of creating a harassment free workplace and have a responsibility to refrain from harassment as defined in this Policy by:

- taking personal responsibility to maintain respectful working relationships and constructively resolve conflict;
- not engaging in bullying and harassment of other workers, supervisors, the employer or persons acting on behalf of the employer;
- reporting any observed or experienced bullying and harassment in the workplace;
- applying and complying with the policies and procedures.

Chief Executive Officer is responsible for:

- Establishing and maintaining an environment that is free from discrimination and harassment;
- Authorizing the course of action for complaints after discussion with Human Resources;
- Authorizing the remedy and, if necessary, the discipline if discrimination or harassment has occurred.

Complaint Procedures

Complaints related directly to bullying and harassment based wholly or in part on a prohibited ground as identified in the Ontario Human Rights Code will be dealt with under this policy. Complaints related to bullying and harassment which are not wholly or in part based on a prohibited ground as identified in the Ontario Human Rights code will be dealt with under this policy.

BPL's procedures for addressing harassment Complaints are designed to be flexible, timely and accessible. BPL provides both an informal and formal process to resolve harassment Complaints.

An individual who believes they are being harassed (the "Complainant") may consult Human Resources, who can assess whether the Complaint falls under this Policy and discuss possible courses of action.

Concerns about harassment should be raised as soon as reasonably possible. The time limit for filing a Complaint under this Policy is 6 (six) months from the time of the last alleged incident of discrimination or harassment. Exceptions may be made in extenuating circumstances.

Some of the options available may include:

- the Complainant discussing their concerns directly with those involved;
- having an appropriate party assist the Complainant in discussing concerns with those involved. An appropriate party could include a manager, director, and human resource;
- initiating an “informal” or “formal” resolution process through Human Resources as outlined.

Human Resources may suggest interim measures to be taken during either the informal or formal processes.

Informal Complaint Resolution

BPL strives to provide a wide range of options to resolve Complaints. Informal Complaint resolution may include, but is not limited to mediation, behavioural guidelines or agreements, apologies, or other measures agreed to between the parties and the Chief Executive Officer or their delegate.

Formal Complaint Resolution

If a Complaint is not resolved informally, or if an individual who believes they are experiencing harassment chooses, they may make a formal Complaint through Human Resources. Formal Complaints shall be made in writing to management or Human Resources. Human Resources will ensure that assistance in completing a written Complaint is provided, as required.

Formal Complaint investigations are conducted by Human Resources staff. A formal Complaint investigation is an impartial, fact-finding process. The investigators do not advocate on behalf of, or represent, any party involved in a Complaint.

Formal Complaint investigations cannot be carried out anonymously. The identity of the Complainant and the allegations contained in the Complaint shall be made known to the individual(s) alleged to have engaged in harassment (the “Respondent”). The Respondent shall be provided a full and fair opportunity to respond to the allegations contained in the Complaint. Likewise, the Complainant shall be provided with the response and shall have an opportunity to reply.

At any time during the course of the investigation, the matter may be resolved, so long as the resolution is agreed to by each of the parties and the Chief Executive Officer or their delegate.

Once the formal Complaint investigation is complete, the Complainant, Respondent and the Chief Executive Officer or their delegate shall be notified in writing of the findings of the investigation.

Retaliation

Burlington Public Library employees, including witnesses, should not face retaliation or threats of retaliation. Employees who engage in retaliation or threats of retaliation will be subject to disciplinary action, up to and including termination of employment.

Consequences of Harassment

Engaging in harassment or retaliation is serious misconduct and may result in disciplinary action up to and including termination of employment.

Malicious Complaints

If an employee is discovered to have made an unfounded complaint of malicious intent, or malicious allegation, they will be subject to disciplinary action up to and including termination of employment.

Confidentiality

Information collected and retained by Human Resources during the course of an investigation process is treated as confidential. During the investigation process, Human Resources will limit disclosure of investigation-related information to that which is necessary to resolve the complaint.

Files related to an investigation under this policy will be maintained separately from employee personnel files. Files will be retained in accordance with the Library's records retention schedule.

Information collected and retained by Human Resources may be required to be released by law including release required in court proceedings or other legal proceedings.

Legal Fees

Should an employee decide to retain legal counsel, they are sole responsible for the payment of any legal fees.

Criminal Actions

This policy cannot address criminal actions such as assault etc., these actions will be addressed by law enforcement.

Ontario Human Rights Commission

Burlington Public Library will endeavor to solve all Human Rights issues however if a complaint cannot be settled through our internal procedure, the employee has every right to file a complaint with the Ontario Human Rights Commission within one (1) year of the incident.

Interpretation of Policy

Matters requiring interpretation or violation of the Policy are to be made to the Human Resources, the CEO, or their authorized delegate. Matters requiring interpretation of the Policy where the CEO's actions are in question are to be referred to the Chair of the Library Board.

Legislation

In the event that any portion of this Policy is inconsistent with relevant federal or provincial legislation, that portion and only that portion of the Policy shall have no application to the extent of that inconsistency. All other portions of the Policy shall continue in full force and effect.

Effective Date:	Projected Review Date: December 2023
Motion #/Date: #19-81, Dec. 2019 #20-99, Dec. 2020	Amended Dates: December 21, 2010 December 20, 2019 December 17, 2020
Associated Procedures:	