

Human Rights & Respectful Workplace Policy

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Purpose

Burlington Public Library (BPL) is committed to ensuring a respectful and safe work environment in which all individuals are:

- treated with mutual respect and dignity
- able to contribute fully to the Library’s mission, and
- valued for their unique contributions.

Employees have the right to work in an environment free from harassment and discrimination as prohibited by the *Ontario Human Rights Code* (OHRC) and the workplace harassment provisions of the *Ontario Occupational Health & Safety Act* (OHSa). BPL will enforce these rights and responsibilities as outlined.

This Policy is to ensure a respectful workplace, prevent disrespectful behaviour, and outline how disrespectful workplace behaviour is addressed, should it occur.

This Policy informs the Library's guidelines and procedures and supports our responsibilities under the OHRC and OHSa. This includes promoting a respectful workplace, preventing disrespectful behaviour, and addressing disrespectful workplace behaviour, should it occur by reporting, investigating, and resolving of complaints of harassment, bullying, and disrespectful behaviour. All issues will be dealt with in as timely and as confidential a manner as possible.

Scope

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

Workplace relationships are not confined solely to BPL's buildings and virtual environments. This Policy also applies to library social functions, business travel and library business functions such as conferences, and ongoing development courses that are held outside of BPL facilities. It may also apply if harassment or discrimination occurs outside the workplace but can be demonstrated to have a direct link to employee relationships in the workplace.

Policy Statement

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.

A 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 and respectful resolution of differences

Definitions

Complainant: a person or persons filing a complaint against another person or persons.

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

Disrespectful behaviour:

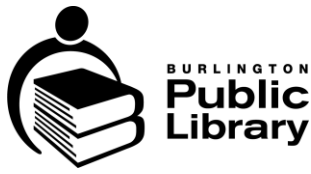
- is considered offensive, humiliating or intimidating by most reasonable people;
- has a clear negative effect on the complainant;
- Includes written or verbal comments, actions, gestures, jokes or other behaviours which can consist of a single incident or number of incidents;

Harassment: Burlington Public Library follows the definition of harassment outlined in the OHSA: 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 definition of workplace harassment is broad and includes harassment prohibited under the OHRC, as well as psychological harassment and personal harassment.

Poisoned Environment: a workplace that is objectively hostile or unwelcoming to an employee because of insulting or degrading comments or actions based on a prohibited ground as defined by the OHRC, or psychological or personal harassment that influences how the complainant is treated or perceived. A poisoned environment exists when these circumstances result in unfair work conditions for the complainant. There must be facts that show the comments or conduct result in unequal or unfair terms and conditions.

Workplace Sexual Harassment: Burlington Public Library follows the definition of workplace sexual harassment outlined in the OHSA.

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



Roles and responsibilities

Burlington Public Library:

- develop and maintain a policy statement to address workplace bullying and harassment in the workplace;
- prevent and minimize workplace bullying and harassment;
- develop, implement, and maintain procedures for reporting and investigation of incidents or complaints of bullying and harassment;
- inform workers of policies and procedures;
- train supervisors and workers on all policies and procedures;
- ensure 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:

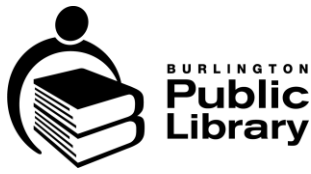
- foster a harassment and discrimination-free work environment and set an example of appropriate workplace behaviour;
- ensure no employees are subjected to harassment or discrimination and staff is provided with information about and access to policies and procedures related to harassment;
- apply and comply with the employer's policies and procedures;
- intervene promptly and appropriately when they know or have good reason to believe harassment, bullying, or disrespectful behaviour is occurring.

Employees:

- take personal responsibility to maintain respectful working relationships and constructively resolve conflict;
- do not engage in bullying and harassment of other workers, supervisors, the employer, or persons acting on behalf of the employer;
- report any observed or experienced bullying and harassment in the workplace;
- apply and comply with the policies and procedures.

Human Resources:

- 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.

Chief Executive Officer (CEO):

- establishes and maintains an environment free from discrimination and harassment;
- authorizes action for complaints after discussion with Human Resources;
- authorizes the remedy and, if necessary, the discipline if discrimination or harassment has occurred.

Complaint Process

If harassment or discrimination is suspected or reported:

1. A complainant, witness, or supervisor informs Human Resources of the issue.
2. Human Resources assesses whether the complaint falls under this policy and discusses possible courses of action.
3. Human Resources, with authorization from the CEO, recommends corrective action, which may include:
 - mediation, behavioural guidelines or agreements, apologies
 - a formal complaint investigation conducted by Human Resources staff or an external third party. This is an impartial, fact-finding process where investigators do not advocate on behalf of, or represent, any party involved in a complaint.
 - other measures agreed to between the parties and the CEO or their delegate.
4. Corrective action occurs.

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

BPL's procedures for addressing harassment complaints are designed to be flexible, timely and accessible. BPL provides both an informal resolution and formal process to resolve harassment. Human Resources may suggest interim measures to be taken during either the informal resolution or formal processes.



Formal complaint investigations cannot be carried out anonymously. The identity of the complainant and the allegations must be made known to the respondent, who will be given a full and fair opportunity to respond to the allegations. In addition, it is often necessary for the identity of the complainant to be identified to third parties for the successful completion of an investigation. The complainant will be provided with the response and will have an opportunity to reply. Once a formal complaint investigation is complete, the complainant, respondent, and CEO or their delegate will be notified in writing of the findings of the investigation.

Consequences of Harassment

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

Retaliation

BPL 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.

Malicious Complaints

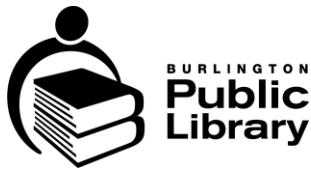
If an employee is discovered to have made an unfounded complaint of malicious intent, they will be subject to disciplinary action up to and including termination of employment.

Competing Rights

BPL values the diversity of our organization and the community we serve and strives for equality in employment practices and service delivery. We recognize that sometimes rights may conflict with one another. All employees will receive training to recognize and address competing rights in our workplace and service delivery.

Confidentiality

A complaint may only be discussed with people that must be aware or involved. This protects the privacy and confidentiality of all parties, as well as the integrity of the process.



Information collected and retained by Human Resources during an investigation is confidential. During the investigation, Human Resources will only share investigation-related information that is necessary to resolve the complaint. Information collected and retained by Human Resources may be required by law to be released, including in court proceedings or other legal proceedings.

Files related to an investigation under this policy will be kept separately from employee personnel files. Files will be retained based on the Library's records retention schedule.

Legal Fees

Should an employee decide to retain legal counsel, they are solely 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 attempt to solve all human rights issues through our internal procedure, however if a complaint cannot be settled, the employee has every right to file a complaint with the Ontario Human Rights Commission within one year of the incident.

Interpretation of Policy

If a matter requires interpretation or violation of this policy, it must be referred to Human Resources, the CEO, or their authorized delegate. Matters related to this policy where the CEO's actions are in question must be referred to the Chair of the Library Board.

Legislation

If any portion of this policy is inconsistent with the most up to date, relevant federal or provincial legislation, that portion and only that portion shall be overridden by legislation to the extent of that inconsistency. All other portions of the policy shall

continue in full force and effect.

References

- [Occupational Health and Safety Act Part III.0.1 Workplace violence and workplace harassment](#)
- <https://www.ohrc.on.ca/en/ontario-human-rights-code>

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- Amended Dates: December 21, 2010, December 20, 2019, December 17, 2020, October 27, 2022, February 22, 2024
- Associated Documents: