



## REPORT TO THE LIBRARY BOARD

MEETING DATE: JUNE 23, 2011

Session:	Public Session
Subject:	Policy Review: Workplace Violence and Workplace Harassment Prevention Policies
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Presented By:	Kim Travers
Purpose of Report:	For Approval <input checked="" type="checkbox"/>

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### RECOMMENDATION:

It is recommended that the Board review and approve the following policies as part of its cyclical policy review process:

**Workplace Violence Prevention Policy (see Appendix 1)**  
**Workplace Harassment Prevention Policy (see Appendix 2).**

No changes have been recommended.

### ISSUE/OPPORTUNITY

In 2009, the Ontario government introduced Bill 168, an amendment to the Occupational Health and Safety Act, which places new obligations on employers with respect to workplace violence and prevention. The legislation requires an annual review of policies and procedures.

### BACKGROUND & REVIEW

Bill 168, *An Act to amend the Occupational Health and Safety Act* with respect to violence and harassment in the workplace and other matters, came into effect June 15, 2010. Workplaces in Ontario are now required to have the necessary policies, programs, measures and procedures in place. Bill 168 defines workplace violence and workplace harassment and requires employers to:

- Review policies relating to workplace violence and harassment as is necessary, but at least annually;

- Assess the risks of workplace violence that may arise, advise the Joint Health & Safety Committee of the results of the assessment, and reassess as often as needed;
- Develop and maintain a program to implement workplace violence and harassment policies, including:
  - Measures / procedures to control the risks identified in the assessment;
  - Measures / procedures for summoning immediate assistance when workplace violence occurs;
  - Measures / procedures for workers to report incidents of workplace violence to the employer or supervisor;
  - Establish how the employer investigates and deals with incidents or complaints of workplace violence and harassment.
  - Reassess policies and programs.
  - Train employees in these policies and procedures.
- Take every precaution reasonable in the circumstances for the protection of the worker if the employer becomes aware, or ought reasonably to be aware, that domestic violence that would likely expose a worker to physical injury may occur in the workplace; and
- Report information to the worker about a person with a history of violent behavior under certain circumstances.

The London Public Library takes workplace violence and harassment seriously. Prior to the current legislation, LPL had policies and procedures in place. In 2010, LPL reviewed and updated its policies and procedures to ensure compliance with the requirements of the new legislation. The current review is in accordance with the legislation and the LPL policy review cycle.

In addition to the workplace inspections of all Library locations routinely done on a monthly basis by the Joint Health & Safety Committee (JHSC), workplace risk assessments, specific to workplace violence, are also conducted by members of the JHSC. This annual risk assessment is being conducted in June. The JHSC performs a critical analysis of the information gathered from these inspections, along with a review of past incident reports and related policies and makes recommendations to Senior Team regarding additional measures and / or procedures to be developed to prevent or mitigate the occurrence of workplace violence and harassment. Senior Team reviews the information, along with a detailed review of past incidents and determines how best to deploy resources. Last year's assessments resulted in the installation of convex mirrors to improve natural surveillance and the issuing of personal alarms for staff working in isolated areas of the location.

All employees are now trained on the Workplace Violence and Harassment Program on an annual basis to ensure that employees understand their rights and responsibilities. New staff are trained during their orientation. The annual review of the Library's Workplace Violence/Workplace Harassment Program is now available on the LPL Intranet and all staff will study the module and complete a comprehension test with September as the completion deadline.

## LONDON PUBLIC LIBRARY POLICY

**Title of Policy:** Workplace Violence Prevention

**Policy Type:** Board Operational Linkage

**Policy No.:** OR-L-03

**Effective Date:** June 8, 2010

**Review Date:** June, 2011

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### **PURPOSE :**

London Public Library is committed to providing a violence-free environment and recognizes that workplace violence is a health and safety and human resources issue. However, the London Public Library cannot absolutely ensure that unanticipated acts of violence will never occur. The purpose of this policy is to establish a framework for preventing / mitigating the occurrence of violence and to foster the safety and security of London Public Library employees, volunteers, and those who attend the Library's work sites.

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### **SCOPE:**

This policy applies to all employees, volunteers, London Public Library Board members, any person having business with the Library, and members of the public.

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### **DEFINITIONS:**

**Employee** is defined as all employees including Pages and Casual staff.

**Volunteer** is an unpaid worker hired by London Public Library to assist with the provision of Library service.

**Workplace** means in or on the property of London Public Library or away from London Public Library property if the employee is engaged in work-related activities. This includes all facilities and worksites and vehicles.

**Workplace Violence** is defined as

- (a) The exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker;
- (b) An attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to a worker; and / or
- (c) A statement or behaviour that is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker.

**Unacceptable Behaviour** means physically or psychologically aggressive behaviours including but not limited to:

- Hitting, kicking, punching, shoving, slapping, pinching, grabbing, biting;
- Carrying or brandishing weapons of any sort;
- Throwing objects at an individual with a view to cause physical injury or fear;
- Destruction of workplace or co-workers' property;
- Threats of violence;
- Intimidating behaviour that causes the recipient to have a fear of physical violence; and
- Obscene or harassing telephone calls, e-mails or other forms of communication.

**Close Calls** are incidents which did not result in actual physical harm but, except for circumstance, had the potential to result in physical harm.

**Minor Incident** is an incident in which no one is physically harmed in any way and which was resolved through employee or supervisory mediation.

**Serious Incident** is as an incident in which someone was physically harmed (whether requiring medical attention or not), or which continued or escalated after supervisory

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### **POLICY STATEMENT:**

London Public Library does not tolerate violence in the workplace perpetrated by or against employees, volunteers, Board members, the public or other third parties. London Public Library will comply with the following legislation governing workplace violence in Ontario:

- The Ontario Occupational Health and Safety Act;
- The Criminal Code of Canada;
- The Ontario Human Rights Code;
- The Workplace Safety Insurance Act;
- The Municipal Freedom of Information and Protection of Privacy Act.

London Public Library is committed to the prevention of workplace violence. The Library will establish programs and procedures to reduce the risk of violence and unacceptable behaviour in the workplace.

The Violence Prevention Program includes:

- A risk assessment process;
- Policies and procedures;
- Control measure in place / evaluation and implementation of corrective action;
- Communication process / instruction to employees and volunteers;
- Training and education; and
- Reporting and investigation process.

Violations of this policy may result in disciplinary action, including possible suspension or termination, the issuing of patron banning notices and / or the filing of criminal charges.

A complaint filed under this Policy does not preclude an employee from filing a complaint with the Human Rights Tribunal of Ontario or pursuing other appropriate avenues under the grievance process or any other applicable policy.

### **Responsibilities**

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Employees, volunteers, supervisors, management and the Library Board are responsible for promoting and maintaining a work environment free of workplace violence.

Each Employee / Volunteer has the responsibility to:

- Inform his / her supervisor of any violence, potential risk of violence or unacceptable behaviour s/he may experience or witness. This includes issues in the employee's / volunteer's non-work life that may impact on the employee's / volunteer's or his / her co-worker's safety;
- Report to his / her supervisor any incidents of violence or close calls, according to Library procedures;
- Document incidents within the assigned work area; and
- Attend any training or information sessions provided by the employer to reduce violence or risks of violence.

An employee / volunteer may refuse to work or do particular work where s/he has reason to believe that workplace violence is likely to endanger him/herself.

The Supervisor also has the responsibility to:

- Assess the risk of violence to employees / volunteers within their assigned work area, minimizing those risks where necessary or reasonably possible and informing any affected employee of such risk or potential risk;
- Communicate workplace violence prevention procedures to staff and volunteers within the assigned work area;
- Provide information, including personal information that is reasonably necessary related to risk of workplace violence from a person with a history of violent behaviour to an employee / volunteer if the worker can be expected to encounter that person in the course of his / her work and the risk of workplace violence is likely to expose the worker to physical injury;
- Respond to any complaint or incidence of violence within the assigned work area;
- Ensure proper medical care is provided for anyone involved in an incident within the assigned work area;
- Secure the safety of employees, before investigating the incident or taking reports;
- Report and document incidents within the assigned work area;
- Encourage employees and volunteers to report incidents of potential violence or unacceptable behaviour; and
- Cooperate with police, Library investigators or other authorities, as required during any investigation related to workplace violence.

Management has the additional responsibility to:

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- Inform all employees and volunteers, including new hires, of this Policy;
- Post this Policy to ensure it is readily accessible to all employees / volunteers;
- Review the Policy and related procedures as often as necessary and at least annually;
- Develop and maintain a program to implement the Policy with respect to workplace violence, including:
  1. Measures, procedures and related policies to control risks identified as likely to expose an employee / volunteer to physical injury;
  2. Measures and procedures for summoning immediate assistance when workplace violence occurs or is likely to occur;
  3. Measures and procedures for employees / volunteers to report workplace violence to the supervisor and management; and
  4. The process the Library uses to investigate and deal with incidents or complaints of workplace violence.
- Assess the risks of workplace violence as often as necessary and at least annually;
- Advise the Joint Health & Safety Committee of the results of the assessment and any reassessment;
- Take every precaution reasonable in the circumstances for the protection of the worker, if it becomes aware, or ought reasonably to be aware, that domestic violence which would likely expose a worker to physical injury may occur in the workplace;
- Provide employees / volunteers with education and training related to the workplace violence prevention program and procedures;
- Take appropriate corrective action, including employee and volunteer discipline and management of infractions by the public and others to ensure that such activity does not continue;
- Monitor any case of violence until there is satisfaction that corrective measures have been implemented;
- Track and monitor all incidents of workplace violence, including close calls, minor and serious incidents.
- Follow the Occupational Health & Safety Act regarding workplace violence incident reporting.
- Take necessary action to protect confidentiality of those involved in complaints.

London Public Library will not tolerate retaliation against individuals making good faith reports as provided for in this Policy. However, an individual filing a malicious, intentionally misrepresentative report may be disciplined for this action.

### **Confidentiality**

Except where disclosure is required by law or agreed to by consent of the parties, all records

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relating to a workplace violence complaint will be kept confidential. Where an employee or volunteer has been disciplined as a result of a substantiated complaint, a record of complaint will be maintained in the employee's / volunteer's personnel file. When a complaint has been found to be unsubstantiated and the Policy has been used in a vindictive or frivolous manner, a record will be maintained in the complainant's personnel file. Investigative files will be retained permanently, separate from personnel files, with measures to protect confidentiality.

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**BACKGROUND:**

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**INQUIRIES:**

Manager, Human Resources

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**KEYWORDS:**

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**RELATED DOCUMENTS:**

Workplace Violence Procedure

Working Alone Procedure

Rule of Conduct Policy

Workplace Safety: Personal Safety

Alarms: Guidelines for Use of Panic Alarms

Alarms: Guidelines for use of Pendant Alarms

Incident Report Procedures

SMIC Procedures

Patrons requiring Emergency Medical Assistance

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**DOCUMENT CONTROL:**

Approved: June 8, 2010

Reviewed:

## LONDON PUBLIC LIBRARY POLICY

**Title of Policy:** Workplace Harassment Prevention

**Policy Type:** Board Operational Linkage

**Policy No.:** OR-L-02

**Effective Date:** June 8, 2010

**Review Date:** June, 2011

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### **PURPOSE:**

Consistent with its core values, the London Public Library believes that it is the right of all employees, Board members, volunteers and any person having a relationship with the Library to be treated with dignity and respect. The Library is committed to providing a working environment for staff that promotes mutual respect, provides equal opportunities and is free from harassment from anyone with whom they may come in contact in the course of work activities. The purpose of this policy is to establish a framework for preventing / mitigating the occurrence of harassment.

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### **SCOPE:**

This policy applies to all employees, volunteers, London Public Library Board members, any person having business with the Library, and members of the public.

## LONDON PUBLIC LIBRARY POLICY

**Title of Policy:** Workplace Harassment Prevention

**Policy Type:** Board Operational Linkage

**Policy No.:** OR-L-02

**Effective Date:** June 8, 2010

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### DEFINITIONS:

**Employee** is defined as all employees including Pages and Casual staff.

**Volunteer** is defined as an unpaid worker hired by London Public Library to assist with the provision of Library service.

**Workplace** means in or on the property of London Public Library or away from London Public Library property if the employee is engaged in work-related activities. This includes all facilities and worksites and vehicles.

**Workplace Harassment** means 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.

**Sexual Harassment** is any comment or conduct which is intimidating, annoying or malicious and related to sex or sexual orientation and includes but is not limited to:

- Unwelcome and / or inappropriate or insulting remarks, jokes, innuendoes or taunting about a person's body, attire, sex or sexual orientation;
- Practical jokes of a sexual nature which cause awkwardness or embarrassment;
- Displaying of sexually explicit picture or other offensive material;
- Suggestive staring, leering or other gestures;
- Unnecessary or unwanted physical contact such as touching, patting or pinching; and
- Request for sexual favours from an employee implying or suggesting that employment status could be affected.

**Personal Harassment** includes but is not limited to:

- Unwelcome and / or insulting remarks, jokes, innuendoes, or taunting about a person's gender, disability, racial or ethnic background, colour, place of birth, citizenship or ancestry;
- Displaying of racist, derogatory, or offensive pictures or material;
- Refusal to work with an employee because of his / her disability or racial, religious or ethnic background, or gender;
- Unwelcome, inappropriate or insulting gestures based on disability, religion or racial or ethnic grounds which cause embarrassment or awkwardness; and
- Refusal to work / share facilities with an employee because of his / her sexual orientation.

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### **POLICY STATEMENT:**

London Public Library is committed to the prevention of workplace harassment and will make every effort to:

- Promote a positive, harassment-free work environment;
- Develop practices and programs to prevent workplace harassment;
- Develop procedures for reporting and resolving harassment complaints that might arise; and
- Comply with legislation governing workplace violence in Ontario, including the Occupational Health and Safety Act, the Ontario Human Rights Code and the Municipal Freedom of Information and Protection of Privacy Act.

Harassment by one employee against another, which occurs outside the workplace or hours of work but related to the work environment, may also be considered as workplace harassment.

This Policy does not restrict the authority of those charged with responsibilities such as counseling, performance appraisal, staff relations, scheduling, and the implementation of disciplinary actions.

A complaint filed under this Policy does not preclude an employee from filing a complaint with the Human Rights Tribunal of Ontario or pursuing other appropriate avenues under the grievance process or any other applicable policy.

### **Responsibilities**

Employees, volunteers, supervisors, management and the Library Board are responsible for promoting mutual respect and for preventing and resolving incidents of workplace harassment.

Each Employee / Volunteer has the responsibility to:

- Refrain from conduct that is harassing to employees, volunteers and other individuals;
- Be knowledgeable about workplace policy and procedures relating to workplace harassment;

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- Report and document incidents in which s/he has been harassed without reprisal or threat of reprisal; and
- Co-operate in the investigation of any harassment complaint.

The Supervisor also has the responsibility to:

- Communicate workplace harassment prevention procedures to staff and volunteers within the assigned work area;
- Receive and report any harassment complaint and take immediate action to report and eliminate harassment within the assigned work area; and
- Encourage employees and volunteers to report incidents of harassment.

Management has the additional responsibility to:

- Provide a work environment free of harassment;
- Inform all employees and volunteers, including new hires of this Policy;
- Post this Policy to ensure it is readily accessible to all employees / volunteers;
- Assess the workplace on an annual basis for workplace harassment risks;
- Review the Policy as often as necessary and at least annually;
- Provide education and training related to workplace harassment prevention procedures;
- Resolve harassment complaints without delay;
- Take appropriate corrective action, including employee and volunteer discipline and management of infractions by the public and others to ensure that such activity, conduct or comment does not continue;
- Monitor any case of harassment until there is satisfaction that corrective measures have been implemented; and
- Take necessary action to protect confidentiality of those involved in complaints.

### **Confidentiality**

Except where disclosure is required by law or agreed to by consent of the parties, all records relating to a workplace harassment complaint will be kept confidential. Where an employee or volunteer has been disciplined as a result of a substantiated complaint, a record of complaint will be maintained in the employee's / volunteer's personnel file. When a complaint has been found to be unsubstantiated and the Policy has been used in a vindictive or frivolous manner, a record will be maintained in the complainant's personnel file. Investigative files will be retained permanently, separate from personnel files, with measures to protect confidentiality.

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**BACKGROUND:**

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**INQUIRIES:**

Manager, Human Resources

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**KEYWORDS:**

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**RELATED DOCUMENTS:**

Workplace Harassment Procedure  
Guiding Principles for Working Relationships  
Incident Report Procedures  
Working Alone Procedure  
Rules of Conduct Policy  
Workplace Safety: Personal Safety  
Alarms: Guidelines for Use of Panic Alarms  
Alarms: Guidelines for use of Pendant Alarms  
SMIC Procedures

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**DOCUMENT CONTROL:**

Approved: June 8, 2010

Reviewed: