

## LONDON PUBLIC LIBRARY POLICY

**Title of Policy:** Workplace Harassment and Sexual Harassment Prevention

**Policy Type:** Board Operational Linkage

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

**Effective Date:** June 27, 2019

**Review Date:** June 2023

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### **PURPOSE:**

Consistent with its core values, London Public Library (“LPL”/“the Library”) believes that it is the right of all Board Members, Employees and 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 everyone that promotes mutual respect, provides equal treatment and opportunities and is free from harassment from anyone with whom they may come in contact in the course of work activities.

This policy articulates the Library’s commitment to prevent and address harassment and discrimination under the *Ontario Human Rights Code* and the *Occupational Health and Safety Act*. The purpose of this Policy is to establish a framework for preventing/mitigating the occurrence of harassment.

### **SCOPE:**

This Policy applies to all London Public Library Board Members, Employees, Volunteers and any person having business with the Library, and members of the public. Contractors, visitors and other individuals conducting business on the Library’s premises are also expected to conduct themselves in a manner consistent with this Policy. Allegations of significant breaches of this Policy including human rights violations by such individuals will be dealt with by the Library and, if substantiated, may be considered a breach of the individual’s contract with Library or affect the person’s right to be present on the Library’s premises or participate in any of its activities. Patron conduct is covered in the Library’s Charter of Library Use policy and Code of Conduct policy.

### **DEFINITIONS:**

**Employee** means a person who is employed by the Library and includes all Employees, including Page and Casual staff.

**Volunteer** means a person who voluntarily extends his or her services to actively support the Library, and who does so without remuneration.

While Library Board Members volunteer their time and do not receive remuneration, for the purposes of this Policy they will be referred to as Board Members where they have roles and responsibilities that are different from those of other volunteers.

**Workplace 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:

- Engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome; or
- Making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.
- 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.

**Bullying** is a form of harassment. It is defined as “repeated and persistent negative acts towards one or more individual(s)”. Examples below could constitute bullying in certain situations:

- Social isolation;
- Personal attack of a person's private life and/or personal attributes;
- Withholding information;
- Rumours;
- Excessive criticism; and
- Verbal aggression.

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

**Workplace Harassment Under the Ontario *Human Rights Code*** means engaging in a course of vexatious comment or conduct because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, transgender identity and expression, age, record of offences, marital status, same-sex partnership status, family status or disability.

## **POLICY STATEMENT:**

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

- Promote a positive, harassment-free work environment;
- Develop practices and programs to prevent workplace harassment and workplace sexual harassment;
- Develop procedures for reporting and investigate and take action as appropriate; 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** 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 or Volunteer because of their disability or racial, religious or ethnic background, gender or transgender identity and expression;
- 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 or Volunteer because of their sexual orientation.

Harassment by one Employee or Volunteer 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, employee 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 and workplace sexual harassment.

Each Employee, Volunteer and Board Member has the responsibility to:

- Refrain from conduct that is harassing to Employees, Volunteers, Library Board Members and other individuals;
- Be knowledgeable about workplace policy and procedures relating to workplace harassment and workplace sexual harassment;
- Report and document incidents in which they have 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 and workplace sexual harassment prevention procedures to Employees and Volunteers within the assigned work area;
- Receive and report any harassment complaint and take immediate action to report and eliminate harassment by taking such action as directed by management to deal with 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 and sexual harassment;
- Inform all Employees and Volunteers, including new hires of this Policy;
- Post this Policy to ensure it is readily accessible to all Employees and 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 and workplace sexual harassment prevention procedures;
- Resolve harassment and sexual harassment complaints by investigating and taking appropriate action 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.

The CEO & Chief Librarian (CEO) also has the additional responsibility to:

- Receive, assess and investigate complaints about Library Directors/Managers or Board Members;
- Consult with external experts and the Library Board Chair, or other Board Executive Member as appropriate;
- Ensure that all appropriate actions based on findings are undertaken; and
- Report to the Board and transmit reports from external consultants to the Board when required.

The Library Board also has the additional responsibility to:

- Receive, assess and investigate complaints about the CEO or Board Members;
- Consult with external experts as appropriate; and
- Ensure that all appropriate actions based on findings are undertaken.

## **Reprisal**

All individuals have a right to be free of reprisal or threat of reprisal as a result of being involved in a complaint of workplace harassment or workplace sexual harassment. Reprisal will be deemed to be a form of harassment and will be dealt with in accordance with the Library's *Workplace Harassment and Workplace Sexual Harassment Prevention Policy*.

## **Malicious Complaints**

If, as a result of an investigation, it is determined that an otherwise unfounded complaint of workplace harassment was intended to be malicious, it will be considered a form of harassment and will be dealt with in accordance with the Library's *Workplace Harassment and Workplace Sexual Harassment Prevention Policy*.

## **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 and released only on a need to know basis to authorized personnel. 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 or 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.

## **BACKGROUND:**

### **INQUIRIES:**

Manager, Human Resources  
CEO & Chief Librarian

### **KEYWORDS:**

### **RELATED DOCUMENTS:**

LPL Workplace Violence Prevention Policy  
LPL Rules of Conduct Policy

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

**DOCUMENT CONTROL:**

Approved: June 8, 2010  
Reviewed: June 23, 2011 (L11/49)  
Reviewed: June 14, 2012 (L12/40.2)  
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Reviewed: June 23, 2015 (L15/41.1)  
Reviewed: May 26, 2016 (L16/32)  
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