

Topic: Workplace Health & Safety

7.1 Violence and Harassment in the Workplace

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Signature of Board Chairperson (and Date):

The Occupational Health and Safety Act and the Ontario Human Rights Code state that employees have the right to work in an environment that is free from violence, harassment and discrimination.

While the NKPLB Violence and Harassment policy defines what violence, harassment and discrimination are, the responsibility for creating and maintaining a positive work environment rests with all persons sharing the work place. All employees, politicians, volunteers, visitors, clients, consultants, contractors and suppliers of the NKPLB are expected to recognize and refrain from actions which threaten, offend, embarrass or humiliate others, whether deliberate or unintentional. In addition, management has an ongoing responsibility to respond immediately to stop any activity in the workplace which undermines this policy, whether or not there has been a complaint. The policy is supported by a program which includes risk assessment, procedures and training.

The NKPLB is responsible for the behaviour of employees, politicians and volunteers and any act or thing done or omitted to be done in the course of employment by an employee is deemed to be an act of the NKPLB. All employees, politicians, volunteers, visitors, clients, consultants, contractors and suppliers of the NKPLB should be aware of this policy and the supporting program.

To ensure all employees, politicians and volunteers know and understand the NKPLB Violence and Harassment Policy, all are asked to read the attached policy and the corresponding procedures and sign below to indicate their understanding.

I have reviewed the Violence and Harassment Policy of the NKPLB and understand the issues and requirements stated within it. I also understand that there is a program in place that includes risk assessment, procedures and training.

Signature _____ Print Name _____

Date: _____

Purpose:

To establish a policy to recognize, minimize and/or prevent violence and unacceptable behaviour in the workplace, ensure the right to be free from violence and harassment in the workplace and to foster the safety and security of NKPLB employees, politicians, volunteers, visitors, clients, consultants, contractors and suppliers. The policy will ensure each employee's right to equal treatment with respect to employment without discrimination on the grounds of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed (religion), sex (including pregnancy), sexual orientation, age, record of offences, marital status, same sex partnership status, family status, and disability.

The NKPLB is committed to providing and maintaining a working environment that is based on respect for the dignity and rights of everyone in the organization.

Scope:

This policy applies to all employees, politicians, volunteers, visitors, clients, consultants, contractors and suppliers of the NKPLB. It applies in any location in which you are engaged in work-related activities. This includes, but is not limited to:

- the workplace
- during work-related travel
- at restaurants, hotels or meeting facilities that are being used for business purposes
- in company owned or leased facilities or vehicles
- during telephone, email or other communications; and
- at any work-related social event, whether or not it is company sponsored.

This policy also applies to situations in which you are harassed or subjected to violence in the workplace from individuals who are not employees of the organization, such as customers and suppliers although the available remedies may be constrained by the situation.

Policy:

The NKPLB is committed to building and preserving a safe working environment for its employees. In pursuit of this goal, the NKPLB does not condone and will not tolerate acts of violence or harassment against or by any NKPLB employees, volunteers, visitors, clients, consultants, contractors and suppliers.

Violence, harassment and discrimination are violations of the Occupational Health and Safety Act and/or the Ontario Human Rights Code and will not be tolerated. Workplace Violence is a health and safety issue and is considered to be a serious misconduct.

The NKPLB shall:

- not tolerate, nor condone workplace violence or harassment and considers it inconsistent with the organization's goals, priorities and values
- commit to a zero tolerance of violence, harassment or discrimination in the workplace

- require prompt and accurate reporting of violent incidents, whether or not physical injury has occurred
- not discriminate against victims of workplace violence or harassment and will assist them in every reasonable manner possible
- undertake an investigation of all incidents
- raise awareness through workplace training of personal safety issues
- take action against anyone who knowingly makes a false complaint of violence or harassment or provides false information about a complaint.

Employees may also file a complaint with the Ontario Human Rights Commission.

Definitions Associated with Workplace Violence and Harassment:

“Workplace” means in or on the property of the NKPLB or away from the NKPLB property if the employee is engaged in work-related activities.

Workplace violence and harassment is not limited to incidents that occur within a traditional workplace. Work-related violence and harassment can occur at off-site business-related functions (conferences, trade shows), at social events related to work, in clients’ homes or away from work but resulting from work (a threatening telephone call to an employee’s home).

“Workplace Violence” is defined under the Occupational Health and Safety Act 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 the worker,
- (c) a statement or behaviour that it 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. (“violence au travail”)

Workplace violence may include, but is not limited to:

- physically threatening behaviour such as shaking a fist at someone, finger pointing, destroying property, throwing objects
- verbal or written threats to physically attack
- leaving threatening notes or sending threatening emails
- wielding a weapon in the workplace
- stalking someone; and
- physically aggressive behaviours including hitting, shoving, standing excessively close to someone in an aggressive manner, pushing, kicking, throwing an object at someone, physically restraining someone or any other form of physical or sexual assault

“Workplace Harassment” is defined under the Occupational Health and 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. As of September 2016, workplace harassment includes “workplace sexual harassment”, that is, 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 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.

“Discrimination”: Harassment is a form of discrimination under the Ontario Human Rights Code. It is defined in subsection 10(1) of the Code as “Engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome”. This definition includes any behaviour, which is known or ought reasonably to be known to be offensive, embarrassing or humiliating and may include written, verbal and/or physical conduct. Workplace discrimination includes any distinction, exclusion or preference based on the protected grounds in the Ontario Human Rights Code, which nullifies or impairs equality of opportunity in employment, or equality in the terms and conditions of employment.

The protected grounds of discrimination are:

- race, colour, ancestry, citizenship, ethnic origin or place of origin
- creed, religion
- age
- sex (including pregnancy and gender identity)
- sexual orientation
- family, marital (including same-sex partnership) status
- disability or perceived disability
- a record of offences for which a pardon has been granted under the Criminal Records Act (Canada) and has not been revoked, or an offence in respect of any provincial enactment

Some examples of discrimination include, but are not limited to:

- offensive comments, jokes or behaviour that disparage or ridicule a person’s membership in one of the protected grounds, such as race, religion or sexual orientation
- imitating a person’s accent, speech or mannerisms
- persistent or inappropriate questions about whether a person is pregnant, has children or plans to have children; or
- inappropriate comments or jokes about an individual’s age, sexual orientation, personal appearance or weight.

“Poisoned Work Environment”

A “poisoned work environment” is a form of discrimination. Harassing comments or conduct, of any person regardless of his/her position or status can poison someone’s working environment, making it a hostile or uncomfortable place to work, even if the person is not being directly targeted. These offensive comments or actions spoil the work environment and form an unequal term or condition of employment, thus violating a person’s right to be free from discrimination. A poisoned working environment is a form of harassment.

Some examples of actions that can create a poisoned work environment include:

- displaying offensive, racial or sexual materials such as posters, pictures, calendars, web sites or screen savers
- distributing offensive e-mail messages, or attachments such as pictures or video files
- practical jokes that embarrass or insult someone
- jokes or insults that are offensive, racist or discriminatory in nature.

“Unacceptable behaviour”

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

“Physical assault” – any physical force or threat of physical force to create fear and control over another person. Some examples include: hitting, blocking, shoving, choking, slapping, biting, pulling hair, threats of violence, and using a weapon or other objects to threaten, hurt or kill and/or;

- throwing of objects at an individual with a view to cause physical injury or fear
- destruction of workplace or co-worker’s property
- carrying or brandishing weapons of any sort

“Threatening behaviour” – communication with the intent to inflict physical or other harm on any person or to property by some unlawful act. A direct threat is a clear and explicit communication distinctly indicating that the potential offender intends to do harm.

“Verbal or written threats” – any expression including swearing, insults, obscene language or harassing telephone calls with an intent to inflict harm.

“Workplace bullying” – repeated and persistent negative acts towards one or more individuals, which involve a perceived power imbalance and create a hostile work environment. – see below

“Domestic Violence” – means a pattern of coercive tactics which can include physical, psychological, sexual, economic and emotional abuse perpetrated by one person against an adult intimate partner, with the goal of establishing and maintaining power and control over the victim.

“Sexual Harassment”

Sexual harassment includes, but is not limited to, conduct or comments of a sexual nature that the recipient does not welcome or that offend him or her. It also includes negative or inappropriate conduct or comments that are not necessarily sexual in nature, but which are directed at an individual because of his or her gender. Both men and women can be victims of harassment, and someone of the same or opposite sex can harass someone else.

Some examples of sexual harassment are:

- sexual advances, solicitation or demands that the recipient does not welcome or want
- reprisals or threats, punishment or denial of a benefit for refusing a sexual advance
- offering a benefit in exchange for a sexual favour

- leering (persistent sexual staring)
- displaying sexually offensive material such as posters, pictures, calendars, cartoons, screen savers, pornographic or erotic web sites or other electronic material
- distributing sexually explicit e-mail messages or attachments such as pictures or video files
- sexually suggestive or obscene comments or suggestions, movements or gestures
- unwelcome remarks, jokes, innuendoes, propositions or taunting about a person's body, clothing, sex, personal or social life
- expressions of gender bias, which may include remarks which are discriminatory, degrading or derogatory.
- practical jokes of a sexual nature which gives rise to awkwardness or embarrassment
- persistent, unwanted attention after a consensual relationship ends
- unnecessary physical contact of a sexual nature, such as touching or caressing, patting or pinching; and
- sexual assault

“Racial Harassment”

Racial harassment includes, but is not limited to:

- Demeaning comments, unwelcome remarks, jokes, innuendoes or taunting about a person or group of persons based on race, ancestry, place of origin, colour ethnic origin, citizenship or creed.
- A display of racist pictures or materials or a display which is derogatory or offensive to a person's race.
- Denial of normal co-operation with an employee because of the employee's race or ethnic background.
- Insulting gestures or practical jokes based on race or ethnic grounds which cause awkwardness or embarrassment.
- Demeaning remarks about a racial group that creates an uncomfortable and/or “poisoned work environment”.

“Bullying”

Workplace bullying may have some or all of the following components:

- it is generally repetitive, although a single serious incident may constitute workplace harassment if it undermines the recipient's psychological or physical integrity and has a lasting harmful effect
- it is hostile, abusive or inappropriate
- it affects the person's dignity or psychological integrity; and
- it results in a poisoned work environment.

In addition, behaviour that intimidates, isolates or discriminates against the recipient may also be included.

Some examples of workplace bullying are:

- verbally abusive behaviour such as yelling, insults, ridicule and name calling including remarks, jokes or innuendos that demean, ridicule, intimidate or offend
- workplace pranks, vandalism, bullying and hazing
- gossiping or spreading malicious rumours
- excluding or ignoring someone, including persistent exclusion of a particular person from workplace-related social gatherings
- undermining someone else's efforts by setting impossible goals, with short deadlines and deliberately withholding information that would enable a person to do their job
- providing only demeaning or trivial tasks in place of normal job duties
- humiliating someone
- sabotaging someone else's work
- displaying or circulating offensive pictures or materials
- offensive or intimidating phone calls or emails
- impeding an individual's efforts at promotions or transfers for reasons that are not legitimate; and
- making false allegations about someone in memos or other work related documents

“Domestic Violence”

Domestic violence that may occur in the workplace is a health and safety issue, which is covered under the Occupational Health and Safety Act. Domestic Violence means a pattern of coercive tactics which can include physical, psychological, sexual, economic and emotional abuse perpetrated by one person against an adult intimate partner, with the goal of establishing and maintaining power and control over the victim.

It is defined broadly enough to include acts that may be considered criminal.

Domestic violence may include, but is not limited to::

- physically threatening behaviour such as shaking a fist at someone, finger pointing, destroying property, throwing objects
- verbal or written threats to physically attack
- leaving threatening notes or sending threatening emails
- wielding a weapon in the workplace
- stalking someone; and
- physically aggressive behaviours including hitting, shoving, standing excessively close to someone in an aggressive manner, pushing, kicking, throwing an object at someone, physically restraining someone or any other form of physical or sexual assault

Violence that occurs outside the normal workplace but which has an impact on the working environment, including working relationships, may also be considered violence in the workplace.

If someone is experiencing domestic violence that would likely expose them, or other workers, to physical injury that may occur in the workplace, the employer will take every precaution reasonable to protect them and their co-workers in the circumstances. This may include some or all of the following:

- creating a safety plan
- contacting the police
- establishing enhanced security measures such as a panic button, code words, and door and access security measures
- screening calls and blocking certain email addresses
- setting up priority parking or providing escorts to your vehicle or to public transportation
- adjusting your working hours and location so that they are not predictable; and
- facilitating your access to counselling through community programs.

The NKPLB appreciates the sensitivity of these issues and will do its best to assist workers as discreetly as possible while maintaining privacy.

What is NOT Workplace Violence or Harassment

Workplace harassment should not be confused with legitimate, reasonable management actions by a manager or CEO/Librarian that are part of the normal work function, including:

- training or counselling
- in order to get work done, the CEO/Librarian may have to make unpopular decisions, such as changing work assignments or moving people. Such decisions may or may not please others, but they do not constitute harassment. Such decisions may not, however, be used to retaliate against someone for making a complaint under this policy.
- measures to correct performance deficiencies, such as placing someone on a performance improvement plan
- feedback regarding unsatisfactory work conduct and/or negative performance evaluation is not harassment. The CEO/Librarian has a responsibility to give appropriate criticism and to take appropriate corrective action when the work of an employee is not satisfactory. Such criticism should, however, be made in a reasonable manner and should be constructive. Performance evaluation, may not, however, be used in a retaliatory manner
- imposing discipline for workplace infractions; or
- requesting medical documents in support of an absence from work

It also does not include normal workplace conflict that may occur between individuals or differences of opinion between co-workers.

The Test of Harassment

It does not matter whether a person intended to offend someone. The test of harassment is whether a person knew or should have known that the comments or conduct were unwelcome to the other person. For example, someone may make it clear through their conduct or body language that the behaviour is unwelcome, in which case a person must immediately stop that behaviour.

Although it is commonly the case, the harasser does not necessarily have to have power or authority over the victim. Harassment can occur in various workplace relationships, for example, co-worker / co-worker, CEO/Librarian / employee or client / employee.

Preventing Violence and Harassment

It is our mutual responsibility to ensure that we create and maintain a harassment and violence free workplace and address violence and/or the threat of violence from all possible sources.

Consequences of Workplace Violence and Harassment

1. Employees who have committed an act of violence or harassment will be subject to disciplinary action up to and including termination.
2. The individual may also be subject to criminal prosecution. The result of such prosecution will not have a bearing upon the employer's disciplinary action(s).
3. For non-employees who have committed an act of workplace violence or harassment, the NKPLB may take action against the individual through civil court to protect its workers and property.

The North Kawartha Public Library Board's Commitment

The NKPLB will do its part by not tolerating or condoning discrimination, harassment or violence in the workplace. This includes making everyone in our organization aware of what behaviour is and is not appropriate, assessing the risk of workplace violence / harassment, investigating complaints and imposing suitable corrective measures through a violence and harassment program.

Accountability

All workplace parties are accountable for complying with the policy and measures and procedures in the Violence and Harassment Program that supports this policy.

Confidentiality

The NKPLB recognizes the sensitive nature of violence and harassment complaints and will keep all complaints confidential, to the extent that it is able to do so. The NKPLB

will only release as much information as is necessary to investigate and respond to the complaint or situation, to protect the workplace or if required to do so by law.

Out of respect for the relevant individuals, it is essential that the complainant, respondent, witnesses and anyone else involved in the formal investigation of a complaint maintain confidentiality throughout the investigation and afterwards. Discussion regarding the incident should only take place with the Advisor (see Program) and not among the parties involved in any aspect of the investigation.

All documentation obtained during the course of an investigation shall be confidential and will not be disclosed to anyone other than those individuals designated by the NKPLB to deal with the workplace violence and harassment issue or as may be required by law.

Records

All records of reports and investigations of workplace violence and harassment are kept for five years.

Support for Employees Affected by Workplace Violence

Management will respond promptly, assess the situation and ensure that these interventions are followed:

- facilitation of medical attention;
- debriefing (by skilled professional if required)
- completion of incident reports, WSIB (Worker's Safety Insurance Board) reports, reports to MOL (Ministry of Labour), (for critical injury or fatality);
- reporting to police (as required); and
- team debriefing (as required).

Protection from Retaliation / No Recrimination

The NKPLB will not tolerate retaliations, taunts or threats against anyone who complains about violence and harassment or takes part in an investigation. Any person who taunts, retaliates against or threatens anyone in relation to a harassment or violence complaint may be disciplined or terminated. The victim and/or witnesses will be assured that there will be no recrimination because of the complaint.

Communication & Training

New employees will receive both general and site-specific orientation to the workplace violence and harassment program. In addition, all employees will receive an annual review of the program's general and site-specific components.

Training program for workers shall include:

- the means to recognize potentially violent situations and harassment;

- procedures, work practices, administrative arrangements and engineering controls that have been developed to minimize or eliminate the risk to workers;
- the appropriate responses of workers to incidents of violence and harassment, including how to obtain assistance;
- procedures for reporting violent and harassment incidents.

A copy of this policy is to be posted in each workplace.

Risk Assessment

Management (with worker involvement) assesses workplace violence hazards in all jobs, and in the workplace as a whole. It reviews risk assessments annually, as well as when new jobs are created, job descriptions are changed substantially or new workplaces are created. Results of such assessments will be provided to the North Kawartha Public Library Board.

Policy Review

This workplace violence policy and program will be reviewed annually and will be posted in a location accessible to all employees.

Program Evaluation

The effectiveness of the violence and harassment program is to be evaluated annually by management and reviewed by the North Kawartha Public Library Board.

Violence and Harassment Program

The Violence and Harassment Program will consist of the following elements:

Risk Assessment:

- Individual employee survey of violence and harassment history and concerns
- CEO/Librarian survey including areas such as general physical environment, direct contact with clients, handling cash, volatile clients, working alone, community-based settings, mobile workplace, securing/protecting valuable goods and transporting goods or people.
- Review with the Health and Safety Representative

Procedures:

- Roles and responsibilities
- Measures to control the risks – specific to each source / workplace
- Summoning Assistance
- Reporting / Raising concerns (Complaint Resolution Procedure)
- Investigation

- Resolution
- Potential Consequences

Training:

- Initial
- New worker
- Annual review
- Changes in the policy and program