



Section of Policy Manual: Personnel	Policy No. : PER-13
Subject: Workplace Discrimination and Harassment	Policy Approval Date: Sept. 10, 2020
Year of next review: September 2024	Last Review/Revision Date: Replaces: Policy 15, 15A

The Gravenhurst Library Board recognizes the dignity and worth of every person and is committed to providing a workplace free from discrimination and harassment. The Gravenhurst Library Board is also committed to ensuring that any complaint is resolved quickly, with fairness and confidentiality.

Library Board members, employees, and volunteers are expected to uphold this policy. Workplace discrimination and harassment will not be tolerated from any person associated with the Library including members of the Library Board, Library Board employees, and volunteers.

This policy also applies to situations in which employees are discriminated against or harassed in the workplace by individuals who are not employees of the organization including contractors and suppliers as well as members of the public. Available remedies may be constrained by the situation.

Section 1: Discrimination

1. The Ontario **Human Rights Code** states that “*Every person has a right to equal treatment with respect to employment without discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status or disability*”. Human Rights Code, R.S.O. 1990, chapter H.19 s. 5 (1).
2. Discrimination may include, but is not limited to, abuse of authority or position of power as follows:
 - a. to endanger an employee’s job
 - b. to undermine the performance of that job
 - c. to threaten the economic livelihood of an employee
 - d. to interfere with or influence the career of an employee in any way



Section 2: Workplace Harassment

1. Within the Ontario **Human Rights Code**, every person who is an employee has a right to freedom from harassment in the workplace by the employer or agent of the employer or by another employee.
2. The **Occupational Health and Safety Act** (OHS Act) defines “workplace harassment” as *engaging in a course of vexatious comment or conduct 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*.
3. The Ontario **Employment Standards Act** (ESA) prohibits employers and anyone acting on their behalf from harassing or penalizing an employee in any way because the employee asks the employer to comply with the ESA or asks the employer about employee rights under the ESA.
4. Harassment may include, but is not limited to:
 - a. making remarks, jokes or innuendos that demean, ridicule, intimidate, or offend
 - b. displaying or circulating offensive pictures or materials in print or electronic form
 - c. bullying
 - d. repeated offensive or intimidating telephone calls or e-mails
 - e. inappropriate sexual advances, or suggestions or requests
5. Physical contact of a sexual nature, such as uninvited touching or caressing and sexual assault will be reported to the police.
6. A reasonable action taken by an employer or supervisor relating to the management and direction of workers or the workplace, within the conditions of the **Occupational Health and Safety Act** is not workplace harassment.



Sub-Section 1: Workplace Sexual Harassment

Conduct or comments of a sexual nature that the recipient does not welcome or that are considered offensive to them. This may also include negative or inappropriate conduct or comments that are not necessarily sexual in nature, but which are directed at an individual because of gender.

Some examples of *workplace sexual harassment* are:

- a. sexual advances or demands that the recipient does not welcome or want
- b. threats, punishment, or denial of a benefit for refusing a sexual advance
- c. offering a benefit in exchange for a sexual favour
- d. leering (persistent sexual staring)
- e. displaying sexually offensive material such as posters, pictures, calendars, cartoons, screen savers, pornographic or erotic web sites or other electronic material
- f. distributing sexually explicit e-mail messages or attachments such as pictures or video files
- g. sexually suggestive or obscene comments or gestures
- h. unwelcome remarks, jokes, innuendoes, propositions or taunting about a person's body, clothing or sex
- i. persistent, unwanted attention after a consensual relationship ends

Sub-Section 2: Discriminatory Harassment

Comments or conduct based on the protected grounds in the Ontario ***Human Rights Code***, which the recipient does not welcome or that is offensive.

Some examples of *discriminatory harassment* include:

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



Sub-Section 3: Poisoned Working Environment

Harassing comments or conduct can poison a person's working environment, making it a hostile or uncomfortable place to work, even if the person is not being directly targeted. This is commonly referred to as a *poisoned working environment* and it is also a form of harassment.

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

- a. displaying offensive or sexual materials such as posters, pictures, calendars, web sites or screen savers
- b. distributing offensive e-mail messages, or attachments such as pictures or video files
- c. offensive ridicule, mockery, and unprofessional off-hand comments
- d. practical jokes that embarrass or insult someone; or
- e. jokes or insults that are offensive, racist or discriminatory in nature.

Sub-Section 4: Workplace Bullying

Bullying at work means harassing, offending, socially excluding someone or negatively affecting someone's work tasks. In order to apply the label bullying to a particular activity, interaction or process, it has to occur repeatedly and regularly (e.g. weekly) and over a period of time.

Some examples of *workplace bullying* are:

- a. verbally abusive behaviour such as yelling, insults, ridicule and name calling including remarks, jokes or innuendos that demean, ridicule, intimidate or offend
- b. workplace pranks, vandalism, and hazing
- c. gossiping or spreading malicious rumours
- d. excluding or ignoring someone, including persistent exclusion of a particular person from workplace-related social gatherings
- e. providing only demeaning or trivial tasks in place of normal job duties
- f. humiliating someone
- g. sabotaging someone else's work
- h. offensive or intimidating phone calls or emails
- i. making false allegations about someone in memos or other work-related documents



Section 3: What Is not Harassment

Workplace harassment should not be confused with legitimate, reasonable management actions that are part of the normal work function.

These include measures to correct performance deficiencies, such as placing someone on a performance improvement plan, imposing discipline for workplace infractions or requesting medical documents in support of an absence from work. It 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 you intended to offend someone. The test of harassment is whether you 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 you must immediately stop that behaviour.

The harasser does not necessarily have to have power or authority over the victim. Harassment can occur from co-worker to co-worker, supervisor to employee and employee to supervisor.

Section 4: Responsibilities

All parties have a mutual responsibility to ensure that the workplace remains free from discrimination and harassment from all possible sources (including the library patrons, the Library Board, Library Board employees, and domestic/intimate partners). Responsibilities of the workplace parties are specified as follows.

1. Library Board Responsibilities

The *Gravenhurst Library Board*, as the employer, will not tolerate or condone discrimination or harassment in the workplace. This includes making everyone in the organization aware of what behaviour is and is not appropriate, investigating complaints and imposing suitable corrective measures.



2. CEO/Chief Librarian Responsibilities

CEO/Chief Librarian will assist in creating a harassment-free workplace and to immediately contact the Library Board Chair if they receive a complaint of workplace discrimination/harassment or witness or are aware of discriminatory/harassing behaviour. The CEO/Chief Librarian may consult with the Occupational Health and Safety Staff Representative when necessary.

3. Responsibilities of Employees, Volunteers, Library Patrons, Contractors and Suppliers

Employees, volunteers, Library patrons, contractors, and suppliers are responsible for ensuring that their behaviour does not violate this policy and for fostering a work environment that is based on respect free from discrimination and harassment.

4. The workplace discrimination and harassment program will set out:
 - a. the process for dealing with and investigating complaints including how parties involved will be made aware of outcomes and corrective action and how confidentiality will be maintained
 - b. procedures for reporting incidents of workplace discrimination and harassment including measures for reporting incidents to an outside source if necessary
 - c. A formalized training program, as required by Bill 132 and
 - d. the system for maintaining all associated records should an inspection by the Ministry of Labour or employee inquiries occur
5. This policy and the *Procedure for Resolving and Investigating Harassment and Discrimination Complaints (Appendix A)* will be:
 - a. reviewed by the Library Board as often as necessary
 - b. posted in the staff workroom

Section 5: Confidentiality and False Reports

1. All investigations shall be conducted in strict confidence to the extent possible. Documents will be stored in the employee files and access to these records will be restricted.
2. Employees who are found to have made false or malicious complaints will be subject to disciplinary action.



Related Documents:

Ontario Human Rights Code, R.S.O. 1990, chapter H. 19, section 5 (1)

Ontario Occupational Health and Safety Act, R.S.O. 1990, chapter O.1

Ontario Employment Standards Act, 2000, S.O. 2000, c. 41

Sexual Violence and Harassment Action Plan Act (Supporting Survivors and Challenging Sexual Violence and Harassment), 2016, S.O. 2016, c. 2 - Bill 132

Gravenhurst Public Library- PER-14 - Prevention of Workplace Violence Policy

Appendix A (PER-13) – Procedure for Investigating and Resolving Harassment and Discrimination Complaints

Appendix B (PER-13 and PER-14) – Workplace Harassment and Discrimination and/or Violence Incident Report Form

WSIB Claim Form – HR Employee Injury Related Documents