

PURPOSE

To confirm The Federation of Ontario Public Libraries' commitment to ensuring that the workplace is respectful and free of violence, discrimination and harassment for all its employees, members and volunteers.

APPLICATION

The Respectful Workplace Policy applies to all FOPL employees, members and volunteers. It covers all forms of violence, discrimination and harassment that may occur at work or away from the workplace, provided the acts are committed within the context of the employment relationship. It also includes all forms of violence discrimination and harassment between individuals associated with FOPL that occurs outside corporate business, activities and events when such violence, discrimination and harassment has the potential to compromise the safety of the workplace.

DEFINITIONS

ED: The Executive Director of FOPL

FOPL: Federation of Ontario Public Libraries

Personnel: For the purpose of this policy, personnel includes any employee, contract consultant (e.g. Executive Director) and members of the Board or its Working Groups or Project Team volunteers.

Workplace: For the purpose of this policy, the workplace and those involved in the workplace is the FOPL office and any location of FOPL meetings or business.

COMMITMENT

Respectful Workplaces

1. FOPL recognizes the dignity and worth of every person and is committed to providing a workplace free from violence, discrimination and harassment, and in ensuring any complaint is addressed in a timely manner with fairness and confidentiality. Every employee, member or volunteer has a right to a safe and secure working environment.
2. Workplace violence, discrimination or harassment shall not be tolerated from any person, including the ED, Board Members, staff, member representatives, volunteers, or consultants.
3. The ED will report to the Board on compliance with this policy, including the number of incidents, how they were dealt with, and any recommendations made. This report will be done on a yearly basis.
4. As a result of this annual report, or upon any report of non-compliance, the Board will evaluate the effectiveness of this policy and make any changes needed.

Workplace Violence

1. FOPL recognizes the definition of violence as set out in the *Occupational Health and Safety Act*. The Occupational Health and Safety Act defines workplace violence as the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker. It also includes an:

2. Attempt to exercise physical force against a worker in a workplace, that could cause physical injury to the worker; and a
 - 2.1 Statement or behaviour that a worker could reasonably interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker.
 - 2.2 Violence in the workplace includes but is not limited to:
 - a. Verbally threatening to attack a worker;
 - b. Leaving threatening notes or sending threatening e-mails to the workplace;
 - c. Shaking a fist in a worker's face;
 - d. Spitting or otherwise spreading bodily fluids;
 - e. Wielding a weapon or any object which can be used as such;
 - f. Hitting or trying to hit a worker;
 - g. Throwing or kicking an object; or
 - h. Sexual aggression against a worker;
 - i. Kicking an object the worker is standing on, such as a ladder;
 - j. Trying to run down a worker using a vehicle or equipment;
 - k. Intentionally or recklessly damaging the property of others;
 - l. Intentionally causing alarm;
 - m. Creating a hazardous condition or danger by recklessly engaging in conduct which creates a substantial risk of serious physical injury; or
 - n. Intentionally placing or attempting to place another person in fear of imminent physical injury.

Workplace Discrimination

1. FOPL adheres to Ontario *Human Rights Code* with respect to the right of freedom from discrimination in employment: *"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, age, record of offences, marital status, family status or disability"*. HRC R.S.O. 1990, CHAPTER H. 19 s. 5.1
2. Discrimination in the workplace may include abuse of authority or position of power:
 - a. To endanger a staff member's job or any personnel's position;
 - b. To undermine the performance of that job;
 - c. To threaten the economic livelihood of the staff member; or
 - d. To interfere with or influence the career of the staff member in any way.

Workplace Harassment

1. The Board recognizes the definition of harassment as set out in the Ontario *Human Rights Code* and the *Occupational Health and Safety Act*, both of which define harassment as engaging in a course of vexatious comments or conduct that is known or ought reasonably to be known to be unwelcome.
2. The definition of Workplace Harassment includes Workplace Sexual Harassment.
3. The Ontario *Human Rights Code* and the *Canadian Human Rights Code* prohibit harassment in the workplace on the grounds of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offences, marital status, family status, or disability.

4. The *Occupational Health and Safety Act* identifies harassment as personal, and not as a result of one's participation in a recognized group, which would otherwise be covered by the criminal code.
5. The definition of workplace harassment includes workplace sexual harassment, psychological harassment and personal harassment. This may involve:
 - a. Unwelcome words or actions that are known or should be known to be offensive, embarrassing, humiliating or demeaning to a worker or group of workers, in a workplace;
 - b. Behaviour that intimidates, isolates or even discriminates against the targeted individual(s);
 - c. Making remarks, jokes or innuendos that demean, ridicule, intimidate, or offend;
 - d. Displaying or circulating offensive pictures or materials in print or electronic form;
 - e. Bullying; or
 - f. Repeated offensive or intimidating phone calls or e-mails.

Workplace Sexual Harassment

1. No person making a complaint in good conscience will be disadvantaged in any way by FOPL for making such a complaint-
2. Sexual harassment is defined as:
 - a. 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;
 - b. Making a sexual solicitation or advance where the person making it 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 the solicitation or advance is unwelcome.
3. Anyone can be a victim of sexual harassment, regardless of their gender or sexual orientation or of the gender or sexual orientation of the harasser. The Board recognizes that sexual harassment may also occur between people of the same gender. What matters is that the sexual conduct is unwanted and unwelcomed by the person towards whom the conduct is directed.
4. Sexual harassment can involve one or more incidents, and actions constituting harassment may be verbal and/or non-verbal. Examples of conduct or behaviour which constitute sexual harassment include, but are not limited to:
 1. *Verbal conduct*
 - a. Repeated and unwanted social invitations for dates or physical intimacy;
 - b. Insults based on the sex or gender identity of the worker; or
 - c. Demanding hugs, dates, or sexual favours.
 2. *Condescending or paternalistic remarks*
 - a. Sending sexually explicit messages (by phone or by email);
 3. *Physical conduct*
 - a. Unnecessary physical contact; or
 - b. Invading personal space.
 4. *Non-verbal conduct*
 - a. Display or circulation of pornography, sexual images, or offensive sexual jokes in print or electronic form;

- b. Sexually-suggestive gestures;
- c. Whistling or “Cat Calling”; or
- d. Leering or inappropriate staring.

5. *Unfair Disadvantages*

- a. The use of job-related threats or rewards to solicit sexual favours; or
- b. Threatening to penalize or otherwise punish a worker if they refuse a sexual advance.

- 6. Anyone, including the Personnel, external contractors or visitors who sexually harasses another will be reprimanded in accordance with this internal policy and may be referred to the police.
- 7. All sexual harassment is prohibited whether it occurs on FOPL premises or other locations, including at social events, on business trips, at training sessions or at conferences which occur as scheduled hours of work.
- 8. Unwelcome sexual touching is considered sexual harassment or sexual violence and shall be reported to the police as assault.

PROCESS

Implementation

- 1. The Chair is required to take all reasonable measures to ensure a respectful workplace free from violence, discrimination and harassment for all personnel in Board Meetings.
- 2. The ED is required to take all reasonable measures to ensure a respectful workplace free from violence, discrimination and harassment for all personnel in the FOPL office and at FOPL events.
- 3. The ED shall ensure that this policy is widely disseminated to all personnel. All new personnel must receive training on the content of this policy as part of their induction into FOPL.
- 4. Every year, the ED will require all personnel to attend a refresher training course on the content of this policy.
- 5. The ED must develop and maintain a Workplace Violence, Discrimination and Harassment Program. The program shall set out:
 - a. A process for assessing the risk of violence, discrimination, harassment, and sexual harassment in the workplace;
 - b. Means to control risk including those from domestic violence;
 - c. Means to prevent workplace violence, discrimination and harassment including risk factors
 - d. Procedures for reporting incidents of violence, discrimination and harassment; and
 - e. The process for addressing and investigating violent discriminatory and harassing incidents and complaints.

Sanctions and Disciplinary Measures

- 1. The nature of the sanctions will depend on the gravity and extent of the violence, discrimination and/or harassment. Suitable deterrent sanctions will be applied to ensure that all incidents are treated seriously. Certain serious cases, including physical violence, will result in the immediate dismissal of the harasser. All criminal matters will be reported to the police.

2. Anyone who has been found to have committed an act of violence or threat of violence, or to have discriminated against and/or harassed another person under the terms of this policy is liable to any of the following sanctions:
 - a. Verbal or written warning;
 - b. Mandated counselling and/or training;
 - c. Adverse performance evaluation;
 - d. Demotion, if in the case of supervisor/direct report relationship;
 - e. Suspension; and
 - f. Dismissal of position including removal from the Board, Working Groups or Project Teams.
3. Personnel who are found to have made false or malicious complaint(s) shall be subject to disciplinary action which may include suspension or termination.

Confidentiality

1. All investigations shall be conducted in confidence, to the extent possible. The Personnel and Board Members acknowledge that disclosure to additional staff or the Board may be required to prevent workplace violence. Privacy may be waived by the ED in order to ensure the safety of Personnel, users and Board Members.
2. Documents shall be stored within the Personnel Files and access to these records shall follow MFIPPA.