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| Adoption Date: | April 2002 |
| Revision Date: | January 2018 |
| Reference #: | BRD - 09 |
| Category: | Human Resources |

Workplace Discriminatory and Sexual Harassment Prevention

1. PURPOSE

This policy is intended to:

- Maintain a work environment that is free from all types of harassment and bullying;
- Establish a process for reporting, investigating and responding to complaints of harassment in an effective and timely manner;
- Raise awareness amongst all employees about the process for dealing with and reporting incidents of harassment and/or bullying;
- Meet legislative requirements as outlined by the Human Rights Code and the Occupational Health and Safety Act (OHSA).

2. POLICY STATEMENT

The Brampton Library is committed to providing a safe and healthy work environment for all employees, free of discriminatory harassment, sexual harassment, workplace harassment and bullying in compliance with the Ontario Human Rights Code and the Occupational Health and Safety Act (OHSA). The Library considers discriminatory harassment, sexual harassment and workplace harassment unacceptable and will not tolerate the behaviour.

All employees of the Brampton Library must treat one another with respect and professionalism. It is a breach of the Library's policy for any employee to harass or discriminate against another employee based on the prohibited grounds outlined by the Ontario Human Rights Code.

It is a breach of the Library's policy for any employee to harass or bully against another employee as outlined by the Occupational Health and Safety Act.

This is the companion policy to the Library's Violence Prevention Policy which addresses workplace violence.

3. SCOPE

This policy applies to all employees who work with or for the Brampton Library and those individuals who use the Library including members of the public, contractors, vendors and delivery persons.

4. DEFINITIONS

4.1. Discriminatory Harassment - The Human Rights code defines discriminatory harassment as engaging in a course of vexatious comment or conduct against an employee in a workplace that is known or reasonably ought to be known to be unwelcome. Discriminatory Harassment includes, for the purposes of this policy, one or more of a series of unwanted, unsolicited actions, behaviours, remarks or communications in any form directed toward an individual employee or group of employees, which are related to the following prohibited grounds as outlined in the Ontario Human Rights Code:

- Race, colour, ancestry, citizenship, ethnic origin or place of origin;
- Creed, religion;
- Sex (including pregnancy);
- Sexual Orientation;
- Gender Identity;
- Gender Expression;
- Family, marital (including same-sex partnership) status;
- Disability or perceived disability;
- Record of offences for which a pardon has been granted.

Examples of discriminatory harassment include, but are not limited to:

- Unwelcome remarks, gestures, jokes, innuendoes, propositions or taunting about a person's age, body, personal appearance, sex or sexual orientation;
- 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 mannerism;
- Persistent or inappropriate questions about whether a person is pregnant, has children or plans to have children;
- Displaying racist, derogatory, sexually offensive or other offensive pictures or material;
- Distributing racist, derogatory, or sexually explicit email messages or attachments such as pictures or video files;
- Sexual harassment such as unwelcome remarks or jokes about a person's body, attire, sex, sexual orientation, gender identity or expression; leering (suggestive staring); unnecessary physical contact; sexual solicitation or advance; or reprisal or threat of reprisal for the rejection of a sexual solicitation or advance;
- Refusing to work or co-operate with an employee because of their ethnic origin, creed, sexual orientation or any other prohibited ground.

4.2. Workplace Harassment - The OHSa defines workplace harassment as engaging in a course of vexatious comment or conduct against an employee in a workplace that is known or reasonably ought to be known to be unwelcome. Workplace harassment includes, for the purposes of this policy, one or more of a series of unwanted, unsolicited actions, behaviours, remarks or communications in any form directed toward an individual employee or group of employees and does not violate any of the prohibited grounds as outlined in the Ontario Human Rights Code. An isolated or adverse comment does not constitute harassment.

4.2.1. Workplace Sexual Harassment - Refers 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 benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

4.2.2. Workplace Bullying - Any behaviour that intimidates, humiliates or demeans a person and does not violate any of the prohibited grounds as outlined in the Ontario Human Rights Code. Bullying behaviour can range from blatant to quite subtle.

Examples of workplace harassment and bullying include, but are not limited to:

- On-going condescending comments;
- Intimidation or coercion;
- Physically abusive or aggressive behaviour such as pushing, hitting, finger pointing;
- Spreading malicious rumours, gossip or innuendoes;
- Verbally abusive behaviour such as yelling, insults and name calling;
- Excluding or isolating someone socially;
- Sabotaging or deliberately impeding a person's work;
- Intruding on a person's privacy by pestering, spying or talking;
- Making jokes , comments or innuendoes that are 'obviously offensive' by spoken word or email;
- Persistent, excessive and unjustified criticism and constant scrutiny by a supervisor;
- A supervisor undermining the victim's efforts by setting impossible goals and deadlines.

4.3. Poisoned Work Environment - Occurs when an activity or behaviour is not necessarily directed at anyone in particular, but creates a hostile or offensive workplace for those who are exposed to it.

4.4. What Isn't Harassment – Reasonable actions or conduct by the Brampton Library's management or supervisory team relating to the management and direction of workers such as training, performance appraisals, direction, constructive feedback, counseling, job evaluation, workplace inspections, implementation of dress codes and/or disciplinary actions does not constitute harassment as long as these are not being exercised in a harassing or intimidating manner. The policy is not intended to limit or otherwise constrain the reasonable exercise of management functions in the workplace. It also does not include normal workplace conflict that may occur between individuals or differences of opinion between co-workers.

4.5. Workplace - The workplace is not restricted to the offices, buildings, facilities and physical work sites of the Library. It also includes vehicles and any other locations where the Library's business is conducted. Any allegation of discrimination or harassment that occurs outside of the workplace but has repercussions in the workplace by adversely affecting relationships is also covered by this policy.

5. COMPLAINT PROCESS

Refer to the Workplace Harassment Prevention Procedure on Human Resources Staff Information Site for details.

6. INVESTIGATION PROCESS

Refer to the Workplace Harassment Prevention Procedure on Human Resources Staff Information Site for details.

7. CONFIDENTIALITY

The Brampton Library takes all incidents of discriminatory and workplace harassment seriously. All incidents will be handled with respect for the individuals involved and in a confidential manner to the extent possible and subject to the requirements of the law. Complete confidentiality is not possible in all circumstances and cannot be guaranteed.

8. NO REPRISAL

No reprisal or threat of reprisal in any form will be made or taken against the person(s) involved in a discriminatory harassment or workplace harassment investigation.

9. SANCTIONS

Discriminatory harassment, sexual harassment and/or workplace harassment is a serious matter; any employee found to have engaged in harassment may be subject to disciplinary action, up to and including dismissal.

If the Brampton Library determines that an individual from outside the organization has engaged in harassment toward a Library employee, the Library will take action which may include contacting the Police and prohibiting the individual from being on Library property by serving a Trespass Notice, or other action as deemed appropriate.

10. RIGHTS AND RESPONSIBILITIES

10.1. *Responsibilities of Directors, Managers and Supervisors:*

- 10.1.1. Treat all persons with respect and dignity
- 10.1.2. Understand and abide by the requirements of this policy
- 10.1.3. Communicate and review the policy with employees they supervise or manage
- 10.1.4. Ensure a copy of the policy is posted in a conspicuous place in the workplace
- 10.1.5. Verify that all contractors and others who attend Library workplaces are aware of this policy
- 10.1.6. Train employees on workplace harassment prevention
- 10.1.7. Encourage employees to report complaints or incidents of discriminatory harassment or workplace harassment and bullying
- 10.1.8. Respond to all complaints or incidents of discriminatory harassment or workplace harassment and bullying in a professional manner appropriate for the circumstances of the complaint or incident
- 10.1.9. Document all complaints or incidents of discriminatory harassment or workplace harassment and bullying
- 10.1.10. Promptly report all complaints or incidents of discriminatory harassment or workplace harassment and bullying to the Human Resources Advisor/ Supervisor

10.2. *Responsibilities of Employees:*

- 10.2.1. Treat all persons with respect and dignity
- 10.2.2. Comply with this policy at all times to protect themselves and others in the workplace from discriminatory harassment or workplace harassment and bullying
- 10.2.3. Report immediately, all complaints or incidents of harassment experienced, witnessed or having knowledge to the Supervisors or Human Resources Advisor
- 10.2.4. Participate in training regarding this policy and workplace harassment prevention
- 10.2.5. Cooperate fully in the investigation of complaints or incidents of harassment

10.3. Responsibilities of Human Resources:

- 10.3.1.** Ensure resolution of complaint or incidents of discriminatory harassment or workplace harassment and bullying through the informal and formal resolution process
- 10.3.2.** Coordinate workplace harassment prevention training

This policy will be reviewed annually and will be revised in light of any legislative changes as necessary. This policy is available in an alternative format upon request.