

## Policy: Sexual Harassment

Board motion: 14:2020, 11 February 2020 Chair's signature: \_\_\_\_\_

**Note:** Policies relating to and supporting this policy include, but are not limited to the Facilities Policy and the Workplace Violence and Harassment Policy. This policy also intends to reflect and comply with both the Occupational Health and Safety Act (hereafter referred to as OHSA) and the Ontario Human Rights Code (hereafter referred to as the Code).

### Intent

This policy addresses the prevention of sexual harassment and inappropriate behavior.

### Definitions

The Bonnechere Union Public Library recognizes the definition of sexual harassment as set out in the Ontario Human Rights Code.

“Sexual harassment” means “engaging in a course of vexatious comments or conduct that is known to be unwelcome.” This can include, but is not limited to:

1. Sexual comments, slurs, gestures or displays that represent insulting or degrading attitudes based on gender or sexual activities;
2. Unwanted touching;
3. Intimidating observation or stalking behavior;
4. Repeated and unreciprocated offensive requests;
5. Sexualized behaviour combined with threats or bribes (such as linking sexual cooperation with career advancement);
6. Sexual assault;
7. Public displaying of any material that is sexually explicit or degrading;
8. Use of patronizing behavior or language which reinforces sexual or gender stereotypes; and
9. Any harassing behaviour of a sexual nature, verbal or non-verbal, directed at one or more individuals or groups, that creates an intimidating, hostile or offensive environment or interferes with work performance, in a manner that exceeds the bounds of freedom of expression.

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Sexual harassment does not include appropriate direction, evaluation, or discipline by a manager or supervisor, stress associated with the performance of job duties, friendly teasing or bantering that is **mutually acceptable**, or friendly or romantic behavior that is welcome.

### Prohibited Conduct

1. No employee shall subject any other person to sexual harassment.
2. No employee shall allow or create conditions that support sexual harassment, or allow or create any conditions that may promote inappropriate behaviours.
3. No person shall subject any library employee, patron, or anyone else involved in the library, to any act of harassment or inappropriate behaviours at any time.

### Responsibilities

It is the duty of the CEO and the Board to:

1. act respectfully towards staff while they are at work or are participating in a work-related activity;
2. promote a workplace that is professional and free of sexual harassment;
3. ensure that this policy is explained to all employees and that employees understand who to contact regarding concerns about the policy or when reporting an incident;
4. ensure the security and safety of all parties involved during an investigation of an Incident of sexual harassment;
5. make this policy known to all contractors and agents of the Board;
6. deal seriously with any allegation of reprisal or threat of reprisal against anyone who makes use of this Policy or participates in proceedings arising from this policy;
7. ensure that the proper procedures are followed when reporting or investigating a complaint;
8. provide staff with information on the risk of sexual harassment in the library and with training workshops on a periodic basis addressing concerns such as “dealing with difficult people.”

It is the duty of an employee to:

1. act respectfully towards other staff members while at work or participating in any work-related activity;
2. report any incidents of harassment or inappropriate behavior to the proper authority;
3. cooperate with any efforts to investigate and resolve matters arising under this policy.

### Repercussions

Any person engaging in sexual harassment towards any library employee or other person affiliated with the library shall be subject to dismissal in the case of an employee and to whatever recourse is available under the Criminal Code for everyone.

## **Steps that Can be Taken in the Event of Perceived Sexual Harassment**

### Step One: Tell the Person to Stop

Harassers should be informed that the behaviour was inappropriate, that it made the person harassed feel uncomfortable and/or was hurtful and unwelcome.

Employees who learn of an incident in the library, or who are the subject of harassment themselves, will keep a record of the harassment including a description of the events or situation (what was said, the behaviour in question), the names of any witnesses, and the date, time, and location. This information will be required in any written complaint subsequently submitted.

### Step Two: Informally Report the Behaviour

If the employee or patron is too uncomfortable or is unable to ask the person to stop, or is unsuccessful talking directly to the person, the person should seek the counsel of the CEO or board chair or any supervisor they feel comfortable approaching to deal with the issue. The CEO/chairperson will help resolve the situation using an informal approach. An informal approach may include taking steps such as meeting with the person perceived to be behaving inappropriately and provide the alleged harasser with information and/or counseling related to harassment.

In all cases the person handling the case will keep records including details, dates, times, locations and the names of the parties. This information will be kept strictly confidential and entrusted to the CEO/chairperson as soon as possible.

### Step Three: File a Formal Written Complaint

If the problem persists, the employee or patron may file a formal written complaint. Refer to the procedures attached to this policy.

## **Reporting Incidents**

Any incident where an employee or patron is the subject of sexual harassment shall be reported immediately to the most senior staff member available, provided they are not the alleged harasser. If the direct supervisor is the alleged harasser, then the incident should be reported directly to the chief executive officer. If the CEO is the alleged harasser, the employee should report directly to the chair of the library board. If the chair of the library is the alleged harasser, the employee should report directly to the municipal CAO or the manager of human resources for the County of Renfrew. All reports will be thoroughly investigated by the board or designate.

## **Confidentiality and False Reports**

Strict confidentiality is required to properly investigate an incident and to offer appropriate support to all parties involved. All investigations shall be conducted in strict confidence to the extent possible.

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Documents will be stored in the human resources file and access to these records will be restricted to the CEO and members of the human resources committee of the board.

All persons involved in the processing of a complaint will ensure that the complainant is neither penalized nor subjected to any prejudicial treatment as a result of making the complaint.

If an investigation results in a finding that the complainant falsely accused the respondent of sexual harassment, knowingly or in a malicious manner, the complainant will be subject to disciplinary action. Such a false accusation is considered a violation of this policy, and the investigation results and any sanctions will be recorded in the complainant's personnel file.

### **Investigation and Dealing with Incidents or Complaints**

After receiving a report of an incident, the board chair or designate will complete an investigation as quickly as possible, depending on the nature and severity of the issue.

This will include interviews with the employee, the alleged perpetrator, if a staff member or an outside person if possible, and any witnesses. The investigator shall advise all parties to the investigation that they may have representation.

The investigator shall prepare a written report of the investigation's finding, and forward that report to the board or designate. The report shall show that there is either sufficient or insufficient evidence to support a finding of violation of this policy.

The results of the investigation will be discussed with the complainant and recommended preventative actions and/or resolutions presented. If the findings do not support the allegations the board or designate will recommend that no further action is necessary and that the matter be closed.

If the board or designate decides to act on the report from the investigator, the following conditions should be considered when determining corrective action:

1. the impact of the incident;
2. the nature of the incident;
3. the degree of aggressiveness or physical contact;
4. the period of time and frequency of the incidents; and
5. the vulnerability of the complainant.

The following corrective actions may be considered depending on the particular incident and the factors in the previous paragraph:

1. apology;
2. training;
3. revocation of library privileges;
4. and/or suspension;
5. discharge if the perpetrator is an employee;
6. police report; and

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7. legal action.

Documents corresponding to the investigation will be kept on file in a secured location, separate from the complainant and respondent's personnel files, for a period of four years, or as required by law, from the date of the incident.

Nothing in this policy prevents an individual from pursuing other remedies to an incident of sexual harassment, such as criminal or civil action.

### **Availability of Policy**

This policy will be:

1. reviewed annually by the board to ensure that it continues to conform with the Occupational Health and Safety Act;
2. posted on the library's website;
3. included in the library policy book.

### **Related Documents**

- Bonnechere Union Public Library – Safety, Security and Emergency Policy
- Bill 168 An Act to amend the Occupational Health and Safety Act with respect to violence and harassment in the workplace and other matters. S.O. 2009 Chapter 23.

## **APPENDIX**

### **PROGRAM: REPORTING PROCEDURES AND IMPLEMENTATION**

#### Eligibility to Initiate Complaint

1. These procedures are intended for the use of the employees of the library.
2. Complaints may be made about any alleged violation of this policy that takes place on or off the library's premises.
3. The board prohibits reprisal or threats of reprisal against any member or employee of the board who makes use of this policy or participates in proceedings. Any individual or body found to make such reprisals or threats of reprisal will be subject to disciplinary action.
4. The complainant, the alleged harasser, and any other parties to the proceedings under this policy are to be treated fairly. This may require the board to make special arrangements on behalf of the complainant. For example, where the complainant is an employee whose performance is normally evaluated by the alleged harasser, the complainant must receive fair treatment and protection from adverse employment related consequences during the process of investigation. All persons who allege discrimination or harassment under the provisions of this policy must be advised to contact the chief executive officer. This will ensure that all complainants have access to a common source of consistent and expert

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advice and that reliable data may be gathered on the incidence of discrimination and harassment within the library.

5. The chief executive officer is responsible on behalf of the board, for the application of this policy in accordance with the procedures herein.
6. Confidentiality will be maintained by the chief executive officer and supervisory employees working together with the chief executive officer. This does not prohibit the discreet disclosure of information in order to elicit the facts of the case or to properly monitor and implement the terms of any resolution.
7. If the chief executive officer believes at any time that the health or safety of the employees' of the library are at risk, he or she may notify the police and/or the chair of the library board and/or the chair of the personnel committee of the library board. Only this type of situation will supersede the prohibition on informing a third party about a complaint prior to the alleged harasser being notified and having the opportunity to reply to the complaint.
8. If a formal complaint is not made against the alleged harasser, this may result in a dismissal of the complaint.

#### Documentation

1. The alleged harasser must be allowed an opportunity to respond to the complaint and to have that response form part of the file.
2. The notes and/or records of the investigation will be maintained by the chief executive officer. No one else may have access to the records except otherwise provided for in this policy.

#### Procedures for Employees Bringing Forward a Complaint

1. Persons having reason to believe that they have been subjected to sexual harassment are strongly encouraged to contact the chief executive officer as soon as possible. Through consultation, the chief executive officer will assist the person in determining if the reported events constitute discrimination or harassment under the provisions of the policy, and discuss options for action available to that individual. Persons seeking advice at this stage need not reveal their name or the name(s) of the other person(s) concerned. The CEO will keep confidential records of all consultations.
2. If the employee decides to proceed with a complaint, the employee must put the complaint in writing. The written complaint must include the identification of the alleged harasser. The process for resolving the complaint is referred to as a "Formal Resolution With a Written Complaint."

#### Procedure for a Formal Resolution With a Written Complaint

1. A complainant must file a signed statement outlining the alleged violation(s) of this policy.

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2. The written complaint should be filed with the chief executive officer.
3. A written complaint shall be submitted promptly, but no later than six (6) months from the last date of the alleged harassment.
4. The written complaint must include the dates of the alleged incident(s), the names of the people involved in the incident(s) and a full description of the incident(s).
5. The alleged harasser will be provided with a copy of the complaint, which must include all facts relevant to the complaint known at that time, and an opportunity to respond in writing to the written complaint. The alleged harasser is to be provided with the ongoing disclosure of the particulars of the complaint as they become known.
6. If the complainant chooses to proceed by way of a 'Formal Resolution With a Written Complaint,' the chief executive officer will discuss the written complaint and any response with the complainant and with the alleged harasser with a view to reaching a resolution acceptable to all parties.
7. Any investigation to be conducted will not extend past sixty (60) days from submission of the written complaint.
8. Once the complainant has filed a written complaint, the alleged harasser will be notified by the chief executive officer and will be given a chance to respond to the complaint. After the alleged harasser has been notified, the chief executive officer may contact person(s) with supervisory responsibility over the alleged harasser or with jurisdiction over the place or context in which the alleged harassment occurred, if alternate arrangements are required, or to gather the facts of the case.
9. If a mutually agreed upon resolution is achieved through this procedure, a 'Resolution Report' prepared by the chief executive officer will be signed by the complainant and the alleged harasser. If the resolution includes an action or remedy by the board, that aspect of the report must be agreed to and signed by both the complainant and the alleged harasser and the chief executive officer who will be responsible for enforcing the remedy set out in the resolution report. All parties shall receive a copy of the report.
10. If the chief executive officer determines that there is no possibility of reaching a resolution both the complainant and the alleged harasser will be informed in writing within five (5) working days of that determination.

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