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Workplace Violence and Harassment Policy

Motion number & date: 69:14 (25 November 2014) Chair's signature: _____

Note: Policies relating to and supporting this policy include, but are not limited to the Facilities Policy and the Sexual Harassment Policy.

This policy addresses the prevention of workplace violence, harassment, and inappropriate behavior, as part of the Bonnechere Union Public Library Board's responsibility for worker health and safety under the *Occupational Health and Safety Act*. The library board promotes a violence and harassment-free workplace in which all people respect one another and work together to achieve common goals. Any act of violence or harassment against any member of the library staff or any member of the public is unacceptable conduct that will not be tolerated. Individuals who violate this policy may be removed from library property, and in the case of employees, are subject to disciplinary action including termination.

Definitions

The Bonnechere Union Public Library recognizes the definition of violence as set out in the *Occupational Health and Safety Act*.

“**Workplace violence**” means the threatened, attempted, or actual conduct of a person that causes or is likely to cause physical injury. Examples of workplace violence include, but are not limited to the following:

1. Threatening behavior, such as shaking fists, destroying property, or throwing objects;
2. Verbal or written threats that express an intent to inflict harm;
3. Physical attacks;
4. Any other act that would arouse fear in a reasonable person in the circumstances;
5. Creating a hazardous condition or danger by recklessly engaging in conduct which creates a substantial risk of serious physical injury; and
6. Intentionally placing or attempting to place another person in fear of imminent serious physical injury; and/or wielding a weapon.

“**Harassment**” is defined by the *Ontario Health and Safety Act* as engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome.

Harassment may also include such inappropriate behaviours, conduct, comments, or activities, based on race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offences, marital status, same sex partnership status, family status, or disability, which are not necessarily directed at a specific individual, but nonetheless generate a degrading or offensive work environment for others. Examples of harassment include, but are not limited to the following:

1. displaying of material that is sexually explicit or degrading, racist, ethnic, or religious in a degrading or derogatory manner; and
2. use of patronizing behavior or language which reinforces stereotypes and undermines self-respect or adversely affects work performance or work conditions.

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 and mutual.

Prohibited Conduct

No employee shall subject any other person to workplace violence or harassment. No employee shall allow or create conditions that support workplace violence, or allow or create any conditions that may promote inappropriate behaviours from occurring. An employee of the library that subjects another employee or member of the public to workplace violence or harassment may be subject to disciplinary action up to and including dismissal.

No person shall subject any library employee to any act of violence, act of harassment, or inappropriate behaviours at any time. Any person engaging in or threatening violence towards any library employee or other person affiliated with the library shall be subject to whatever recourse is available under the Criminal Code. Any person engaging in harassment or acting inappropriately towards any library employee or other person affiliated with the library shall be subject to whatever recourse is available under the Criminal Code.

Responsibility and Response

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 professional and non-violent workplace;

3. aid in the development of workplace arrangements that minimize the risk of workplace violence;
4. ensure all employees are aware of and trained in the prevention of Workplace Harassment;
5. ensure that this policy is explained to all employees;
6. ensure that employees understand whom to contact regarding concerns about the policy or when reporting an incident;
7. ensure your own immediate physical safety if an incident of workplace violence occurs, then report criminal behavior to the appropriate law enforcement agency; and
8. ensure the security and safety of all parties involved during an investigation of an Incident of workplace violence.

The Board or designate must develop and maintain a workplace violence program. See Appendix.

The program will set out:

1. a process for assessing the risk of violence in the workplace;
2. measures to control risk including those from domestic violence;
3. procedures for reporting incidents of violence; and
4. the process for dealing with, and investigating, violent incidents and complaints.

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. ensure your own immediate physical safety if an incident of workplace violence occurs, then report the incident to your supervisor, and, if warranted, to the police; and
4. cooperate with any efforts to investigate and resolve matters arising under this policy.

Reporting Incidents

Any incident where an employee is the subject of workplace violence or harassment, or feels in danger or violence shall be reported immediately to the most senior staff member available. All reports will be thoroughly investigated by the Board or designate.

Any employee who witnesses an incident of violence or harassment, or threats of violence, shall immediately report such incident to the most senior staff member available.

Anyone experiencing or witnessing imminent danger or actual violence involving weapons or personal injury should call the police. Physical or sexual assault or threat of physical violence will be reported to the police.

The library will provide staff with information on the risk of violence in the library and training workshops on a periodic basis addressing concerns such as “dealing with difficult people.”

Employees are encouraged to report behaviour that they reasonably believe has a potential to result in violence.

The Bonnechere Union Public Library Board, at the request of an employee, or at its own discretion, may prohibit members of the public, including family members, from seeing an employee on library property in cases where the employee suspects that an act of violence will result from an encounter with said individual(s).

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. Documents will be stored in the Human Resources file and access to these records will be restricted.

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.

Employees who are found to have made false or malicious complaints will be subject to disciplinary action.

Investigation and Dealing with Incidents or Complaints

After receiving a report of an incident, the Board 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, 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 employee (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, as appropriate, depending on the particular incident and the factors in the previous paragraph:

1. apology;
2. training;
3. suspension if a staff member;
4. suspension or revocation of library privileges if a patron;
5. discharge if the perpetrator is an employee;
6. police report; and
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 two years from the date of the incident.

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

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

Work Refusals

Under the Occupational Health and Safety Act, a worker can refuse to work if he or she has reason to believe he or she may be endangered by workplace violence {Section 43 (3)(b.1)}. However, work cannot be refused on the ground of workplace harassment under this act. It is intended that the above reporting and investigating procedures, set

out in this policy, would address workplace violence/harassment concerns before they escalate to work refusals.

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 in the staff room along with the Violence Prevention Program – See Appendix; and
3. posted on the library's website.

Related Documents

- Bonnechere Union Public Library – *Safety, Security and Emergency Policy Occupational Health and Safety Act* R.S.O. 1990, CHAPTER O.1
- **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 – Workplace Violence Prevention Program

Plan for Maintaining Security in the Library

The library staff will conduct a worksite assessment as often as necessary to ensure measures for violence prevention are effective. The assessment will:

1. identify jobs or locations with the greatest risk;
2. identify high risk factors; and
3. include a physical workplace security audit and evaluate the effectiveness of existing security measures.

The Board, or designate, will annually review the history of past incidents to identify patterns or trends.

Recognized Areas of Higher Risk in the Library

1. contact with the public;
2. working alone or in small numbers;
3. the circulation desk where money is kept;
4. closing the library at night; and
5. secondary entrances to the library.

Measures for Reducing the Risk

1. General
 - a. designate the CEO's office as an emergency safe room (a room with a door that locks and a phone that works);
 - b. keep all secondary entrance doors locked;
 - c. keep the exterior lights around the building in good working order; and
 - d. prohibit staff from working alone in the library without prior consent of the CEO.

2. Recognize signs of violence.

Early identification and prevention of violence in the workplace is encouraged.

Potential threats of violence that should be reported include the following:

- a. threatening statements to do harm to self or others;
- b. reference to other incidents of violence;
- c. confrontational behaviour;
- d. major change in personality, mood or behaviour; and
- e. substance abuse.

3. Steps to Increase Personal Safety

- a. Notice surroundings and report any unsafe or dangerous situation to the most senior staff member.
 - b. If you feel uncomfortable about a person who has entered the library, trust your instincts. If you feel threatened, make a scene - YELL!
 - c. Use a buddy system when leaving work.
 - d. If you ever find you are working alone in the library, let the CEO, or someone at home, know the situation and tell him or her when you expect to leave.
 - e. If you enter a bathroom and suspect it is unsafe, don't call out. Back out, go to a safe, lockable place with phone and call for help.
 - f. Know the nearest exit or room with a lock.
4. Domestic Violence: Steps to Increase Personal Safety
- a. Tell someone at work about your situation.
 - b. Make up a "code word" for co-workers so they know when to call for help.
 - c. Ask your co-workers to screen your calls and visitors.
 - d. Ask a co-worker to call the police if your abuser is bothering you.

Staff Procedures

Threatening Behaviour:

- a. Do not argue with a threatening person. Identify yourself as a library staff member.
- b. Remain calm and keep your voice low and firm.
- c. Do not put yourself or others in danger. Keep a distance of four feet.
- d. Be friendly but firm. Introduce yourself. Look at the person while you talk to him/her. Let the person talk. Clarify the problem and offer solutions.
- e. Get assistance from another staff person.
- f. Advise the person that the police will be called if the abuse does not stop.
- g. Notify the CEO or designate.
- h. If the behaviour doesn't **change call the police.**

Violence/Assault

- a. If you hear raised voices or sounds of a scuffle, investigate.
- b. If you witness violence or an assault call the police and describe the situation.
- c. Recruit other staff to move others out of the way to a safer location.
- d. Do not block exits to prevent a threatening/violent person from leaving the building.
- e. Do not invade the personal space of the threatening/violent person.
- f. Do not get between two people fighting.
- g. Notice details so you can describe the situation to the police.
- h. Notify the CEO.

How to report

A report should be made as soon as possible after an incident occurs.

An informal, verbal complaint may be brought forward to the board. It is in the best interest of all concerned that a report be written. If a formal complaint is requested, the employee must file a written report with the board or designate. The report should include a detailed description of the incident, when it occurred, where it occurred, date and time it occurred, the person(s) involved and the names of any witnesses if any.