

## **RESPECT IN THE WORKPLACE POLICY**

*Approved: November 16, 2011*

Trail and District Public Library Board is committed to being inclusive and welcoming to the broadest spectrum of the community. The Board seeks to provide a safe, healthy working environment for our employees, trustees, volunteers, patrons and others who may visit our facility. Everyone who works in or uses Trail and District Public Library is expected to conduct him or herself in a manner that is supportive of this policy specifically treating everyone with respect and dignity so that they can contribute in a productive and professional atmosphere. Bully, harassing or other aggressive or demeaning behaviour towards others will not be tolerated.

The Board of the Trail and District Public Library has the authority to make rules for the use of library facilities and to impose sanctions for unacceptable conduct under the Library Act (RSBC 1996) and is committed to creating an environment that is free from any form of discrimination or harassment as prohibited under the BC Human Rights Code. All individuals are responsible for ensuring that their own conduct is in accordance with this code.

Trail and District Public Library is committed to an environment where employees, trustees, volunteers, patrons and other visitors are treated with respect and dignity such that they can contribute to a productive and professional atmosphere.

Employees have the responsibility to treat each other with dignity and respect and to avoid any conduct that would constitute harassment. All employees have the responsibility to speak up if they or others are being harassed or bullied. All employees have a responsibility to report harassment or bullying to the appropriate person, and are responsible for respecting the confidentiality of anyone involved in a harassment complaint or proceeding.

The Director also has a responsibility to be aware of what is happening in the library. The Director undertakes to treat all instances of harassment seriously; to do all that is reasonably necessary to ensure that harassment and bullying-related issues are resolved quickly, confidentially and fairly, and to take what disciplinary and/or remedial steps are necessary to ensure a workplace and service environment free of all forms of harassment and bullying.

All volunteers and other third parties have the responsibility to treat other volunteers, staff, contractors and users of the library with dignity and respect, and to speak up if they experience or witness a person being harassed/bullied, and to report such incidents to the Director. They are also responsible for respecting confidentiality of anyone involved in a harassment/bullying complaint.

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For the purposes of this policy, the following definitions apply:

**Bullying** is interpersonal hostility that is deliberate, repeated and sufficiently severe as to harm the targeted person's physical or mental wellbeing, safety or economic status. It is driven by the perpetrator's need to control another individual, not by a legitimate business need.

**Harassment** occurs when a worker is subjected to unwelcome verbal or physical conduct which may include but is not limited to: insults, name-calling, horseplay or practical jokes, yelling, swearing, criticism, patronizing behaviour, vandalism, shunning or mobbing because of:

- race
- age
- religious beliefs
- colour
- place of origin
- gender
- mental or physical disability
- ancestry
- marital status
- sexual orientation
- source of income
- family status of that person or any other person.

**Sexual Harassment** as defined by the Supreme Court of Canada's Janzen case is "unwelcome conduct, of a sexual nature, that detrimentally affects the work environment or leads to adverse consequences for the victim of harassment". Examples include, but are not limited to, sexual assault or threatened assault; unwelcome remarks, slurs, jokes, taunts or suggestions about a person's sex or sexual orientation; unwelcome sexual remarks, innuendos, invitations, or requests, including persistent unwanted contact after the end of a consensual relationship; displays of sexually explicit, sexist or other offensive or derogatory material; unwelcome physical conduct; crude sexual or sexually charged or abusive remarks and offensive or stereotypic comments about a person's gender.

**Violence** whether at a worksite or work related means the threatened, attempted or actual conduct of a person that causes or is likely to cause physical injury. These acts include threats, menacing or threatening behaviour and all types of physical or verbal assaults.

Harassment and bullying are **not** the proper exercise of a management right. While an individual has the right to profoundly and sincerely disagree with a management decision, and/or hold a genuine belief that he/she has been harassed, those facts alone do not necessarily make the conduct in question harassment or bullying. Different points of view, and conflicts representing those different points of view are a normal and

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natural part of life and are **not** considered harassment or bullying in and of themselves. Unfortunately, disagreements sometimes deteriorate into conduct that constitutes harassment.

Mere rudeness, thoughtlessness or insensitivity is **not** harassment or bullying. When dealing with harassment or bullying, we are dealing with conduct that is not a reasonable expectation of the employment relationship, and that a reasonable person would say interferes with a person's right to safety, dignity and equality in the workplace. For conduct to be considered harassment or bullying, it must be unwelcome. Therefore, consensual joking, teasing and banter or romantic relationships (when those involved are consenting) are **not** considered bullying and harassment.

**The Complaint Procedure:** When an employee (or other person involved with the Trail and District Public Library) believes he/she is being harassed or bullied the following process will be followed:

1. **Ask the Harasser to Stop**

First, ask the harasser to stop. Tell the person that you are not comfortable with the behaviour and ask that it stop. You may ask a colleague, shop steward or other union representative, or the Director for advice and assistance. IF the harassment ends, the matter is considered closed.

2. **Informal Complaint Process:**

a) If the complainant is not satisfied with the outcome of the above encounter, an informal complaint process can be started providing this is done within **6** months of the last incident of harassing conduct. Once aware of the complaint, the Director (or an alternate appointed by the Board if the Director is directly involved in the complaint) will meet with the complainant to hear his/her side of the story; meet with the alleged harasser to hear his/her side of the story; may decide to speak with any witnesses. All parties have the right to be accompanied by a shop steward or union representative. The Director will hold a meeting of the parties involved to attempt to resolve the dispute by mediated agreement.

b) If this informal mediate is successful, the Director will draft an agreement that is to signed by the complainant, respondent, the union, if applicable, and the Director. Such an agreement will not be placed in the personnel file of either the complainant or the respondent. The Director will keep a copy of the agreement in her files for a period of 1 year, after which time it will be destroyed, unless there has been a further complaint of harassment and/or bullying brought against the same alleged harasser.

3. **Formal Complaint:**

If the informal stage is unsuccessful, the complainant may decide to file a formal complaint. A formal complaint must be in writing. The complaint will be formal investigated by the Director or a person external to the library who has been

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trained to conduct such investigations and that is agreed to by the parties. Both parties will share any costs incurred equally. The investigator will interview the complainant, respondent and any witnesses with both parties having the right to be accompanied by their shop steward or union representative. The mandate of the investigator is to make findings of fact and to determine whether or not the conduct constitutes harassment or bullying within the law, the collective agreement and library policy. The investigator may make non-binding recommendations regarding appropriate, remedial, but not disciplinary, action.

4. If the Director (or other agreed to party) concludes that the complaint was substantiated, she will take whatever disciplinary and/or appropriate remedial actions as are justified considering all the circumstances of the situation and will inform both parties in writing, within a week, of her decision. If she concludes that the complaint was **NOT** substantiated, she will call a meeting of the parties involved and explain her intentions with respect to the issue. If the union is dissatisfied with the outcome of the report, discipline etc., a grievance may be considered.

**Remedies for the Victim of Harassment or Bullying** may include but are not limited to:

- ◆ oral or written apology from the harasser;
- ◆ reinstatement of any lost wages, benefits, seniority, job promotion or other lost work-related opportunities;
- ◆ reinstatement of any sick leave, vacation leave or other banked or future leave entitlement that was used as a result of the harassment;
- ◆ compensation for injury to dignity, feelings and/or self-respect.

**Disciplinary And/or Corrective Action for the Harasser** is affected on the nature and severity of the harassment or bullying and may include but is not limited to:

- ◆ a verbal warning;
- ◆ a written reprimand;
- ◆ an unpaid suspension;
- ◆ discipline up to and including termination;
- ◆ transfer of assignment as deemed necessary to ensure the harassee's right to a harassment-free workplace;
- ◆ mandatory attendance at anti-harassment training, anger management training, supervisory skills training or any other remedial training deemed suitable by the Director;
- ◆ any other reasonable measures as are demonstrably justified under the circumstances.

**Complaints Determined to Have Been Made in Bad Faith**, that is to say that it was deliberately and maliciously filed, knowing that it had no basis, will be subject to corrective/disciplinary action. The person unjustly accused of harassment will be given the benefit of any remedies that would be given to a victim in a case of harassment.

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The Employer commits to take such reasonable steps as are necessary to ensure that all Library staff and third parties are aware of this policy and its applicability to them.

Board Approved:

Original respect in the workplace policy November 16, 2011