

HR 200 Prevention of Workplace Violence & HR 210 Discrimination & Harassment

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This policy addresses the prevention of workplace violence and discrimination and harassment as part of the County of Prince Edward Public Library and Archives responsibility for worker health and safety under the ***Occupational Health and Safety Act***. This policy is for the mutual protection of staff and visitors from violence or threats of violence.

Violent behaviour in the workplace is unacceptable from anyone including staff, members of the Board, volunteers, clients, and others who do business with the library. Individuals who violate this policy may be removed from library property and in the case of employees are subject to disciplinary action including termination.

Section 1: Definition

Workplace Violence:

1. The County of Prince Edward Public Library and Archives recognizes the definition of violence as set out in the ***Occupational Health and Safety Act***. Workplace violence means:
 - a) the exercise of physical force by a person against a worker, in a workplace, that causes or could cause physical injury to the worker,
 - b) an attempt to exercise physical force against a worker, in a workplace, that could cause physical injury to the worker,
 - c) a statement or behaviour that it is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the

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worker

2. Violence in the workplace may include:

- a) verbally threatening to attack a worker
- b) leaving threatening notes or sending threatening e-mails
- c) shaking a fist in a worker's face
- d) hitting or trying to hit a worker
- e) throwing or kicking an object
- f) sexual violence against a worker

3. Violence in the library or on library property also includes:

- a) intentionally or recklessly damaging property of another person without permission
- b) intentionally causing alarm
- c) recklessly creating a risk by fighting
- d) creating a hazardous condition or danger by recklessly engaging in conduct which creates a substantial risk of serious physical injury
- e) intentionally placing or attempting to place another person in fear of imminent serious physical injury
- f) wielding a weapon

Discrimination:

1. The County of Prince Edward Public Library and Archives adheres to the Ontario ***Human Rights Code*** (HRC) with respect to rights 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 may include abuse of authority or position of power as follows:

- a) to endanger a staff member's job
- b) to undermine the performance of that job
- c) to threaten the economic livelihood of the staff member
- d) to interfere with or influence the career of the staff member in any way

Harassment:

1. The County of Prince Edward Public Library and Archives 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 comment or conduct that is known or ought reasonably to be known to be unwelcome.
2. Prohibited harassment in the library workplace includes that which is in relation to grounds under the Ontario ***Human Rights Code*** (race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, age, record of offences, marital status, family status or disability).
3. The ***Occupational Health and Safety Act*** does not prescribe the nature of harassment, however, prohibited harassment in the library workplace includes that which is personal in nature and not based on identification with a recognized group.
4. Harassment may include:
 - a) making remarks, jokes or innuendos that demean, ridicule, intimidate, or offend
 - b) displaying or circulating offensive pictures or materials in print or electronic form
 - c) bullying
 - d) repeated offensive or intimidating phone calls or e-mails
 - e) inappropriate sexual advances, suggestions or requests
5. Uninvited sexual touching will be considered assault and reported to police.

Section 2: Responsibility and Response

1. The CEO or designate must develop and maintain a workplace violence and discrimination and harassment program. See Appendix A.

The program will set out:

- a) a process for assessing the risk of violence in the workplace
 - b) procedures for reporting incidents of workplace discrimination and harassment
 - c) measures to control risk including those from domestic violence
 - d) procedures for reporting incidents of violence
 - e) the process for dealing with, and investigating complaints
2. All complaints, reports or advisements will be thoroughly investigated by the CEO or designate.
 3. Physical or sexual assault or threat of physical violence will be reported to the police.
 4. The library will provide staff with information on the risk of violence in the library and training workshops on a periodic basis dealing with various issues of violence in the workplace such as “dealing with difficult people”.
 5. Anyone experiencing or witnessing imminent danger or actual violence involving weapons or personal injury should call the police.
 6. Workplace violence should be reported immediately to the most senior staff member available.
 7. Employees are encouraged to report behaviours that they reasonably believe pose a potential for violence as described above.

8. The County of Prince Edward Public Library, 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).
9. This policy will be:
 - a) reviewed annually by the Board
 - b) posted in the staff room along with the Violence Prevention Program – See Appendix A
 - c) posted on the library’s website

Section 3: Confidentiality and False Reports

1. All investigations, interviews and deliberations shall be conducted in strict confidence to the extent possible. The documents will be stored in the Human Resources cabinet and access to these records will be restricted.
2. The Board prohibits any form of retaliation against an employee who files a discrimination or harassment complaint or assists in the investigation of a complaint.
3. Employees who are found to have made false or malicious complaints, will be subject to disciplinary action.

Related Documents:

Human Rights Code R.S.O. 1990, Chapter H.19
The County of Prince Edward Public Library and Archives
– ***OP- 02 Safety, Security and Emergency***
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.

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 Editor's Notes

Effective June 2010 the ***Occupational Health and Safety Act*** was amended to address issues of workplace harassment and violence. As a result employers are required to develop written policies with respect to workplace violence and maintain a program to implement the policy and to deal with incidents and complaints. In addition the employers must assess the risk of workplace violence and the program must include procedures to control the risks identified in the assessment. For a complete description of the requirements of the amendments see ***Workplace Violence and Harassment: Understanding the Law***. Occupational Health and Safety Branch. Ministry of Labour March 2010. <http://www.labour.gov.on.ca/english/hs/pubs/index.php>.

Appendix A – Workplace Violence Program

Plan for Maintaining Security in the Library

1. The library staff will conduct a Worksite Assessment as often as necessary to ensure measures for violence prevention are effective. The assessment will:
 - a) identify jobs or locations with the greatest risk
 - b) identify high risk factors
 - c) conduct a physical workplace security audit
 - d) evaluate the effectiveness of existing security measures
2. The CEO, or designate, will annually review the history of past incidents to identify patterns or trends.

Recognized areas of higher risk in the library include:

- a) contact with the public
- b) working alone or in small numbers
- c) the circulation desk where money is kept
- d) secondary entrances to the library
- e) closing the library at night

Measures for reducing the risk.

1. General
 - a) Designate the CEO's office and staff room (rooms with doors that lock and a phone) as emergency safe rooms.
 - b) Keep all secondary entrance doors locked.
 - c) Staff will not work alone in the library without prior consent of the CEO
 - d) The exterior lights around the building will be kept in good working order.

2. Recognize the Signs of Violence

Early identification and prevention of violence in the workplace is encouraged. Potential threats of violence that should be reported could include the following:

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

3. Steps to Increase Your Personal Safety

1. Notice your surroundings and report any unsafe or dangerous situation to the most senior staff member.
2. If you feel uncomfortable about a person who has entered the library, trust your instincts. If you feel threatened, make a scene - YELL!
3. Use a buddy system when leaving work.
4. If you ever find you are working alone in the library, let the CEO know or someone at home know the situation and tell them when you expect to leave.
5. 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.
6. Know the nearest exit or room with a lock.

4. Domestic Violence: Steps to Increase Your Personal Safety

1. Tell someone at work about your situation.
2. Make up a "code word" for co-workers so they know when to call for help.
3. Ask your co-workers to screen your calls and visitors.
4. Ask a co-worker to call the police if your abuser is bothering you.

5. Staff Procedures

Threatening Behaviour:

1. Do not argue with a threatening person. Identify yourself as a library staff member. Remain calm and keep your voice low and firm
2. Do not put yourself or others in danger. Keep a distance of four feet.
3. 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.
4. Get assistance from another staff person
5. Advise him/her that the police will be called if the abuse does not stop
- 6. If the behaviour doesn't change call the police**
7. Notify the CEO or designate and complete an incident report form

Violence/Assault

1. If you hear raised voices or sounds of a scuffle, investigate
- 2. If you witness violence or an assault call the police and describe the situation**
3. Recruit other staff to move others out of the way to a safer location
4. Do not block exits to prevent a threatening/violent person from leaving the building
5. Do not invade the personal space of the threatening person
6. Do not get between two people fighting
7. Notice details so you can describe the situation to the authorities
8. Notify the CEO and complete an incident report

How to report

1. A report should be made as soon as possible after an action or behaviour occurs.
2. An informal, verbal complaint may be brought forward to the CEO. It is in the best interest of all concerned that a report be written.
3. If a formal complaint is requested, the employee must file a written report with the CEO.
4. The report should include a brief statement of the incident, when it occurred, where it occurred, date and time it occurred, the person(s) involved and the names of witnesses if any.

Investigation and Dealing with Incidents or Complaints

1. Within two (2) working days of receiving a report the CEO or designate will initiate an investigation. This will include interviews with the employee, the alleged perpetrator and any witnesses.
2. The results of the investigation will be held with the employee to discuss the results and present recommended preventative actions and/or resolutions.
3. A separate meeting will be held with the alleged perpetrator.
4. If the findings do not support the allegations the CEO will recommend that no further action is necessary and that the matter be closed.
5. Should the investigation conclude that there is evidence of misconduct the CEO will prescribe a resolution that may include police intervention.
6. Employees who are found to have made false or malicious complaints will be subject to disciplinary action.

Appendix B

Workplace Discrimination and Harassment Program

1. Awareness about Workplace Discrimination and Harassment Policy and Program

The County of Prince Edward Public Library and Archives Human Rights Policy, which addresses both workplace discrimination and harassment, in addition to being included in the library's policy binder will be posted in the staff room along with the Workplace Discrimination and Harassment Program.

2. Reporting Incidents of Workplace Discrimination and Harassment

The County of Prince Edward Public Library and Archives encourages any staff member or volunteer who believes that he or she has been subjected to discrimination or harassment to discuss the situation with the CEO.

In the event that there is a complaint against the CEO or a conflict of interest, a complaint shall be filed with the Board Chair. The Board may conduct an investigation or designate an individual to investigate and issue a report.

At any time during a meeting or interview concerning a complaint, the staff member lodging the complaint has the right to be represented and accompanied by a person of his or her choice. The same right is also granted to the person against whom the complaint has been lodged.

The staff member with a complaint must provide written notes about the events leading up to the complaint which include:

- a) What happened – a description of the events or situation

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- b) When it happened – dates and times
- c) Where it happened
- d) Who saw the incident, if anyone

As well, any related documents or materials having to do with the complaint are to be made available.

3. Complaint Resolution Procedures

If the staff member chooses to pursue the Complaint Resolution Procedure, the CEO will advise the person against whom the complaint has been lodged.

The CEO begins a confidential investigation immediately and finishes within 30 days. Throughout the process, the investigator keeps all parties informed, interviews the staff concerned and witnesses, collects evidence, prepares a report and informs the parties in writing of the decision and the underlying reasons.

The CEO is responsible for imposing any disciplinary or corrective measures.

Any staff member may file a complaint with the Ontario Human Rights Commission when the harassment or discrimination is related to one or more of the Human Rights Code's prohibited grounds - race, ancestry, place of origin, colour, ethnic origin, citizenship, creed (religion), sex, sexual orientation, disability, age, marital status, family status, receipt of public assistance, record of offences.