

# WORKPLACE DISCRIMINATION AND HARASSMENT PREVENTION PROGRAM

## Awareness of Workplace Discrimination and Harassment Policy and Program

The FFPLTC's Discrimination and Harassment policy, will be included in the FFPLTC's policy binder and posted on the Health and Safety board along with the [Workplace Discrimination and Harassment Program](#). If any changes are made to either the policy or program, staff will be advised of the changes.

Staff shall receive training in the following:

- HR-01 Discrimination and Harassment Policy
- The Workplace Discrimination and Harassment Prevention Program
  - How and to whom to report an incident of workplace harassment, including if their alleged harasser is the CEO or a member of the FFPL Board
  - How information about an incident or complaint of workplace harassment will be kept confidential
  - How the employer will investigate and deal with an incident or complaint of workplace harassment
  - How the employer will report the results of the investigation to the worker who allegedly experienced workplace harassment and the alleged harasser, if the alleged harasser is a worker of the employer
- What is considered workplace harassment, including sexual harassment, and how to recognize it

As the primary investigator of complaints in the Library, the CEO shall receive training on how to:

- Recognize workplace harassment
- Handle a complaint of workplace harassment
- Respond appropriately and sensitively
- Collect information
- Conduct an investigation appropriate to the circumstances, including confidentiality requirements
- Keep proper documentation
- Take corrective actions, and other requirements by law, including the retention of records

The Health and Safety Committee shall receive training in this program, including how to help a worker report an incident of workplace harassment and the resources available to a worker who has allegedly experienced harassment or discrimination.

## Definitions

**Harassment:** engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome.

**Sexual Harassment:** 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 a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

## Reporting Incidents of Workplace Discrimination & Harassment, including Sexual Harassment

The FFPLTC encourages any FFPLTC Staff member or volunteer who believes that he or she has been subjected to discrimination or harassment, or believes they have witnessed an incident of workplace discrimination or harassment, to discuss the situation with the CEO. Any reports made to the CEO shall be kept confidential, unless confidentiality would endanger other staff members or volunteers. The CEO shall remain neutral, and treat all complaints seriously and promptly.

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

In the event that there is a complaint against an individual FFPL Board member or the FFPL Board as a whole, the complaint should be directed to the CEO, who will retain the services of a third party investigator.

The complainant must provide written notes about the events leading up to the complaint. The notes should be as detailed as possible, and include:

1. What happened: a description of the events or situation
2. When it happened: dates and times
3. Where it happened
4. Who saw the incident, if anyone

Any related documents or materials having to do with the complaint are to be made available as well. An investigation may take place at the discretion of the CEO.

An incident report form is available on the Staff Drive and should be used to record all the necessary information.

## Investigation Procedures

The CEO will treat both formal and informal reports of workplace harassment or discrimination seriously and will promptly investigate in a neutral and confidential manner. All investigations will be completed within a period of 90 days, unless circumstances require a longer period.

The CEO shall advise the person against whom a complaint has been lodged if they are a FFPLTC employee. Alleged harassers who do not work for the FFPLTC may also be interviewed, if it is possible and appropriate.

The CEO begins a confidential investigation immediately and will endeavor to complete the investigation in a timely manner. According to the OSHA Resource about Workplace Harassment, the investigation process may include:

- A review of details of the incident or complaint, including any relevant documents
- An interview with the worker alleging harassment, and, if appropriate, a follow-up interview where the worker shall be given the opportunity to reply to the responses given by the alleged harasser
- The opportunity for the alleged harasser to respond to specific allegations
- Separate interviews with relevant witnesses, both workers and non-workers, as identified by the worker who has experienced the harassment, the alleged harassers, or others, as is necessary, reasonable, and appropriate
- Examination of relevant documents or other evidence that pertains to the investigation
- A decision about whether a complaint or incident is workplace harassment
- Preparation of a report summarizing the incident or complaint, the steps taken during the investigation, the evidence gathered (including notes and statements taken during interviews), and findings, including underlying reasons

An investigation shall take place even in the event that workers refuse to cooperate, even if the worker refusing to cooperate is the one experiencing the alleged harassment.

Throughout the investigation the concerned parties shall be updated periodically on the status of the investigation. The investigation report will not be shared with the Health and Safety Committee as it is not considered an occupational health and safety report.

## Confidentiality Requirements

Identifying information about individuals involved in an incident of workplace harassment will be kept confidential by the investigator. Confidentiality shall be broken only if keeping the identity of the staff member confidential could be reasonably thought to endanger other staff members, or is necessary to investigate the incident or complaint, take corrective action, or is otherwise required by law.

Throughout the investigation those involved, including the worker who was allegedly harassed, their harasser, and any witnesses should not discuss complaint or investigation with anyone. They may only break this confidentiality to obtain advice about their rights or counselling. Workers shall be reminded of the confidentiality requirements at the start of the investigation.

## Multiple Complaints

In the event that there are multiple complaints against the same individual the CEO, or other investigator, may choose to investigate the complaints as a whole or separately. The investigator shall consider the similarity of the complaints, impact of the investigation, practicality, and how often the individuals involved when deciding how to investigate the complaints.

## Other avenues to address complaints

When possible, staff should use the above described procedures to resolve any harassment complaints. FFPLTC Staff members may also 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, gender identity, gender expression, disability, age, marital status, family status, receipt of public assistance, record of offences. In some circumstances, they may also be able to bring civil litigation against their alleged harasser.

## If the harasser has left the Library

In incidents of harassment involving patrons, often the patron is asked to leave prior to an investigation taking place. In these situations, an incident report should be filled out and given to the CEO who will still follow up regarding the actions taken as well as measures to prevent incidents.

## If the harasser is working in the Library but is not employed by the Library

In some cases, someone may be working in the Library but not be employed by the Library, examples could include contractors, Town employees, visiting teachers or daycare workers, etc. In these instances, the CEO is not required to provide the results of the investigation to the alleged harasser. The CEO will still investigate however, and take steps to prevent possible future harassment from the same source.

## Resolution of Harassment or Discrimination Complaints

The staff member who has been allegedly harassed and their harasser, if it is a co-worker, shall be informed in writing of the findings of the investigation, whether it was determined that workplace harassment took place, and any corrective actions taken within 10 days of the completion of the investigation.

The CEO is responsible for imposing any disciplinary or corrective measures, which may include apologies, education, counselling, reprimands, or for patrons, the issuance of a no trespassing notice and for staff members, termination. Additional resolution methods may include mediation or another form of alternative dispute resolution, if the worker and the alleged harasser agree. The method of resolution shall be documented and included with the investigation report. If the investigation reveals shortcomings in the Workplace Discrimination and Harassment Policy or Program, the documents shall be revised.

If the investigation reveals a concern about workplace violence the CEO will take precautions reasonable in the circumstances to protect workers. For more information, please see the Prevention of Workplace Violence Program.

## Support

Should a staff member become the victim of workplace discrimination or harassment supports are available to through the Employee Assistance Program. This program can be accessed by contacting the Town of Fort Frances Human Resources Manager at 807-274-5323 x 1220.

Additionally, during an investigation into workplace discrimination and harassment the CEO, Designate, or Board (if they investigating the complaint) may deem it appropriate to take interim measures to protect workers or witnesses. These measures may include but are not limited to temporary reassignments or shift changes.

During the investigation the worker may seek support from any of the following sources: peer support networks, Health and Safety committee members, the CUPE 65.15 Steward, the Human Rights Legal Support Centre, or a lawyer or legal representative.

### Patrons who pose the risk of harassment or discrimination

Staff shall be provided a list, which includes pictures, of those patrons who pose a risk of harassment. This shall be the same list as those who pose an increased risk of violence and on each patron record it shall be indicated if they pose a risk of violence, harassment, or both.

## Roles and Responsibilities

The FFPL Board shall ensure that the policy upon which this program is dependent is updated annually. Further they shall ensure that any complaint brought against the CEO is investigated promptly and in keeping with the reporting and resolution procedures outlined within this program.

The CEO shall investigate and resolve all complaints promptly in keeping with the reporting and resolution procedures outlined within this program. Additionally, they shall ensure that all workers receive training and education in how to prevent workplace discrimination and harassment.

The Health and Safety Committee shall provide ongoing feedback on this program. The feedback should be documented, and ideally take place during HSC meetings.

The workers shall report all incidences of workplace discrimination and harassment to either the CEO or FFPL Board Chair, as appropriate. Additionally, workers shall cooperate with all discrimination and harassment investigations.

## Record Retention

All records regarding the reporting, investigation, or resolution of issues of workplace discrimination or harassment shall be kept for 7 years. In some instances, the CEO or Designate may choose to retain these records for a period of longer than 7 years if their retention is necessary in order to establish a pattern of behaviour.