

# Georgina Public Library Board Policy Manual

## Policy Title: Violence and Harrassment Free Workplace

### *Intent*

The Ontario Occupational Health and Safety Act and the Ontario Human Rights Code defines the duties and responsibilities of the employer, employees and others to prevent workplace violence and workplace harassment. In compliance with the legislation, the Georgina Public Library Board adopts the Town of Georgina’s VIOLENCE AND HARRASSMENT FREE WORKPLACE POLICY No. 42, and its accompanying programs and statements, as amended from time to time.

POLICY HISTORY:	
Initial Draft	August 20, 2010
Draft Presentation Review	
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Board Adoption:	September 23, 2010



Human Resources Policies, Guidelines and Procedures  
Policy No. 42 – Violence and Harassment Free Workplace

## VIOLENCE AND HARRASSMENT FREE WORKPLACE POLICY

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### Overview

The Town of Georgina’s (the “Corporation’s”) Violence and Harassment Free Workplace Policy sets out the duties and responsibilities of the employer, employees and others to prevent workplace violence and workplace harassment, in compliance with the Ontario Occupational Health and Safety Act and the Ontario Human Rights Code.

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The provisions set out in the Act require employers to:

- Develop, communicate and maintain a Violence and Harassment Free Workplace Policy and Programs.
- Assess the risks of workplace violence (including domestic violence) and take reasonable precautions to protect workers.
- Provide measures to report, investigate and address incidents or complaints of workplace violence and/or workplace harassment
- Allow workers to remove themselves from situations where he/she feels endangered due to a risk of workplace violence.
- Provide information about a person with a history of violent behaviour to workers who can be expected to encounter them at work and the risk of workplace violence is likely to expose the worker to physical injury.

## Policy

Maintaining a workplace that is free from violence and harassment is an important part of our internal responsibility system. Everyone is expected to uphold this policy and work together to prevent workplace violence and workplace harassment.

Workplace violence and harassment is unacceptable from anyone. Workplace violence and harassment may arise from a variety of sources including customers, contractors, employers, supervisors, workers, members of the public and domestic/intimate partners.

This policy applies to all employees engaged in work-related activities that occur in a workplace.

No form of workplace violence or workplace harassment will be tolerated by the Corporation. No employee or any other individual affiliated with this organization shall subject any other person to workplace violence and/or workplace harassment. Employees who are found to have engaged in conduct which constitutes workplace violence or harassment may be subject to disciplinary action up to and including possible termination of employment.

Similarly, no form of reprisal, whether actual or threatened, against a person who initiates or contemplates initiating a complaint of workplace violence and/or harassment will be tolerated by the Corporation. An employee who participates or is involved in a reprisal whether actual or threatened may be subject to disciplinary action up to and including possible termination of employment.

Employees who do not disclose or report incidents or potential incidents of workplace violence may be subject to progressive discipline.

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Employees who report incidents or potential incidents of workplace violence and workplace harassment in good faith, without malice, regardless of the outcome of the investigation, may not be subject to discipline. Management staff who do not take corrective action where the potential of or where workplace violence exists may be subject to disciplinary action.

With respect to workplace violence exercised by members of the public against a Town employee, the Town will take appropriate action, considering all legal recourses available.

## Definitions

**Workplace** is defined under the Occupational Health and Safety Act as: “any land, premise, location or thing at, upon, in or near which a worker works.”

**Workplace violence** is defined under the Occupational Health and Safety Act as:

- (a) “the exercise of physical force by a person against a worker, in a workplace that causes 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 worker.”

Some examples of Workplace Violence include:

- Verbal or written threats to physically attack a worker
- Leaving threatening notes at or sending threatening emails to a workplace
- Physically threatening behaviour such as shaking a fist at someone, finger pointing, destroying property or throwing objects
- Leaving threatening notes or sending threatening emails
- Wielding a weapon at work
- Stalking someone
- Physically aggressive behaviour including hitting, shoving, standing excessively close to someone in an aggressive manner, pushing, kicking, throwing objects at someone, physically restraining someone or any other form of physical or sexual assault

**Domestic Violence** is defined in the Ministry of Labour Guideline entitled ‘Workplace Violence and Harassment: Understanding the Law’ as: “ A person who has a personal relationship with a worker – such as a spouse or former spouse, current or former intimate partner or a family member – may physically

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harm, or attempt or threaten to physically harm, that worker at work. In these situations, domestic violence is considered workplace violence.”

**Workplace Harassment** is defined under the Occupational Health and Safety Act and **Harassment** is defined under the Human Rights Code as “engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome.” Harassment may also relate to a form of discrimination (see definition below) as set out in the Human Rights Code.

Some examples of workplace harassment are:

- Verbally abusive behaviour such as yelling, insults, ridicule and name calling including remarks, jokes or innuendos that demean, ridicule, intimidate or offend
- Workplace pranks, vandalism and hazing
- Gossiping or spreading malicious rumors
- Bullying
- Excluding or ignoring someone, including persistent exclusion of a particular person from workplace-related social gatherings
- Humiliating someone
- Sabotaging someone else’s work
- Displaying or circulating offensive pictures or materials
- Offensive or intimidating phone calls or emails
- Impeding an individual’s efforts at promotions or transfers for reasons that are not legitimate; and
- Making false allegations about someone in memos or other work related documents

## **Harassment is not:**

Workplace Harassment should not be confused with legitimate, reasonable management actions that are part of the normal work function, including:

- Measures to correct performance deficiencies, such as placing someone on a performance improvement plan,
- Implementation of dress codes
- Changes to work assignments, scheduling, job assessment, job evaluations and workplace inspections
- Imposing discipline for workplace infractions; or
- Requesting medical documents in support of an absence from work.

It also does not include normal workplace conflict that may occur between individuals or differences of opinion between co-workers.

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**Discrimination** includes any distinction, exclusion or preference based on the protected grounds in the Human Rights Code, which nullifies or impairs equality of opportunity in employment or equality in the terms and conditions of employment. The Corporation recognizes the protected grounds listed under Section 5(2) of the Human Rights Code that states:

“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.”

**Sexual Harassment** includes conduct or comments of a sexual nature that the recipient does not welcome or that offend him or her. It also includes negative or inappropriate conduct or comments that are not necessarily sexual in nature, but which are directed at an individual because of his or her gender. Both men and women can be victims of harassment, and someone of the same or opposite sex can harass someone else.

Some examples of sexual harassment are:

- Sexual advances or demands that the recipient does not welcome or want
- Threats, punishment or denial of a benefit for refusing a sexual advance
- Offering a benefit in exchange for a sexual favour
- Leering, suggestive staring or other gesture
- Displaying sexually offensive material such as posters, pictures, calendars, cartoons, screen savers, pornographic or erotic web sites or other material
- Distributing sexually explicit e-mail messages or attachments such as pictures or video files
- Sexually suggestive or obscene comments or gestures
- Unwelcome remarks, jokes, innuendoes, propositions or taunting about a person's body, clothing or sex
- Persistent, unwanted attention after a consensual relationship ends
- Physical contacts of a sexual nature, such as touching or caressing

The designation of a “**Workplace Coordinator**” with respect to workplace violence and workplace harassment is a requirement under the Occupational Health and Safety Act. The Human Resources Manager or her designate is the Town of Georgina's Workplace Coordinator.

## Responsibilities

### Directors/Managers/Supervisors

- Provide employees with a safe work environment, free from workplace

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violence, harassment, discrimination and other disruptive behaviour.

- Ensure that workplace violence, harassment and discrimination are not tolerated, ignored or condoned.
- Ensure this policy and the supporting programs are implemented and maintained.
- Report workplace violence that occurs or that is likely to occur to the police as appropriate, to the Chief Administrative Officer and to the Human Resources Manager.
- Provide and participate in information and instruction sessions for employees.
- Take appropriate action in accordance with the Violence-Free Workplace and Harassment-Free Workplace Programs including possible progressive discipline to mitigate circumstances surrounding violence, harassment and discrimination in the workplace.
- Investigate and address incidents of workplace violence and workplace harassment in a timely manner. The directors, managers and supervisors may request assistance of the Human Resources Manager or designate.
- Approach an employee if violence or the threat of violence is suspected because some employees may be embarrassed or reluctant to report a violent incident or threat of violence. In some circumstances, it may be necessary for management staff to report incidents of violence if the employee who is the victim of violence is reluctant, too frightened or otherwise unable to do so.
- Provide employees who have been subjected to workplace violence or workplace harassment and their co-workers who witnessed the incident, with appropriate supports (EAP or other resources as appropriate) in consultation with Human Resources.
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- Notify the police, as warranted, depending on the nature of the actual or potential violent incident.
- Post this policy in a conspicuous place for employees to view it.
- Review this policy as often as is necessary, but at least annually.
- Ensure that employee information related to workplace violence and workplace harassment incidents are handled discreetly and confidentially respecting the privacy of all parties to the extent we are able to do so.

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- Provide information about a risk of workplace violence from a person with a history of violent behaviour, if an employee can be expected to encounter that person during the course of his or her work and the risk of workplace violence is likely to expose the employee to physical injury.
- Assess the risks of workplace violence, as often as is necessary that may arise from the nature of the workplace, type of work or conditions of work and report findings to the Joint Health and Safety Committee.

## **Human Resources Manager or designate (Workplace Coordinator)**

- Ensure that workplace violence, harassment and discrimination are not tolerated, ignored or condoned.
- Ensure this policy and the supporting programs are implemented and maintained.
- Provide information and instruction to employees.
- Collaborate with Directors, Managers, Supervisors and the Joint Health and Safety Committee on workplace violence risk assessments, the development and maintenance of Violence-Free Workplace and Harassment-Free Workplace Programs and other preventative measures with respect to workplace violence and harassment.
- Provide employees who have been subjected to workplace violence or workplace harassment and their co-workers who witnessed the incident, with appropriate supports (EAP or other resources as appropriate).
- Investigate incidents of workplace violence and workplace harassment and recommend resolutions to appropriate management in a timely manner in accordance with the Violence-Free Workplace Program or the Harassment-Free Workplace Program.
- Ensure that employee information related to workplace violence and workplace harassment incidents are handled discreetly and confidentially respecting the privacy of all parties to the extent we are able to do so.
- Provide information about a risk of workplace violence from a person with a history of violent behaviour, if an employee can be expected to encounter that person during the course of his or her work and the risk of workplace violence is likely to expose the employee to physical injury.

## **Health and Safety Coordinator**

- Notify the Ministry of Labour, the Joint Health and Safety Committee and the

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Union Representative within 4 days (immediately by phone when a person is killed or critically injured) if there is an incident of workplace violence and a worker is disabled from performing his/her regular work or requires medical attention.

- Within 4 days (48 hours where a person is killed or critically injured) give written notice of the occurrence to the Ministry of Labour with any information that may be prescribed.

## **Employees**

- Foster a work environment based on respect that is free from workplace violence and harassment.
- Ensure that workplace violence, harassment and discrimination are not tolerated, ignored or condoned.
- Report incidents of workplace violence that occurs or that is likely to occur to the police as appropriate and to your manager and/or supervisor.
- Report incidents of workplace harassment that occurs or that is likely to occur to your manager and/or supervisor.
- Participate in information and instruction sessions provided by the Corporation.
- Co-operate fully in any investigation.
- Be aware of consequences of persistent unacceptable behaviour, such as progressive discipline as outlined in this policy.

## **Joint Health and Safety Committee**

- Collaborate with Human Resources to conduct and provide feedback on the Workplace Violence Risk Assessment as well as assist in the development and maintenance of workplace violence and workplace harassment programs and other preventative measures.
- Promote the principles of this policy and programs to employees.

## **Procedures**

Employees must report incidents/potential incidents of workplace violence and workplace harassment to their manager and/or supervisor. The manager and/or supervisor shall advise the Human Resources Manager.

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Where an employee's supervisor or manager is the person who is alleged to have committed the act of violence or harassment, the employee shall report the incident to the Human Resources Manager.

Measures and procedures for management to investigate and address incidents/potential incidents of workplace violence and workplace harassment are set out in the Violence-Free Workplace Program and the Violence-Free Harassment Program

Human Resources will coordinate an annual review of this policy and supporting programs to ensure they are current.

Human Resources in collaboration with the Joint Health and Safety Committee will conduct and annually review and maintain a risk assessment relative to workplace violence.

Human Resources in collaboration with the Joint Health and Safety Committee will prepare and maintain a Violence-Free Workplace Program and a Violence-Free Harassment Program in support of this policy.

## **Cross-References**

Applicable Provincial Legislation such as the Occupational Health and Safety Act and regulations, Workplace Safety and Insurance Board Act and regulations as amended from time to time.

Violence-Free Workplace Policy Statement

Harassment-Free Workplace Policy Statement

Violence-Free Workplace Program

Harassment-Free Workplace Program

Disciplinary Procedures – HR Policy No. 8

Code of Ethics and Conduct – HR Policy No. 29

Health and Safety Policy Statement – Health and Safety Manual - Section 1.1

Work Refusal Procedure – Health and Safety Manual – Section 17.1