

Respectful Conduct Policy

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Approved by:	OPL Board
Accountability:	Chief Executive Officer
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Purpose:

Oakville Public Library (OPL) is committed to maintaining a healthy, safe and supportive workplace for all library employees that is free from discrimination and harassment.

The purpose of this policy is to ensure a climate of understanding and mutual respect for the worth and dignity of each individual. Any inappropriate conflict or behaviour will not be tolerated.

This policy is supported by OPL's Respectful Conduct Procedure which includes the complaint process, investigation outcomes, confidentiality and resolution. OPL is committed to shared responsibilities of:

- Promoting a workplace that is free from harassment and discrimination.
- Resolution of workplace harassment and discrimination.
- Proactive communication and training regarding Respectful Conduct Policy.
- Participation in all aspects of respectful workplace investigations fairly and in a professional manner that respects the dignity of all involved.

Scope:

This policy applies to all library employees (including but not limited to full-time, part-time, students, volunteers, temporary and interns), any individual representing or acting on behalf of the library in any manner (i.e. contractor, consultant) and their interactions with every person accessing the library's property, services, event, and programs.

Policy Statement:

Under the Ontario Human Rights Code, every person has a right to equal treatment with respect to employment. Under the *Occupational Health and Safety Act*, all employers are required to have a workplace harassment policy and program to provide information, instruction, and protect workers from workplace harassment. This Respectful Conduct Policy articulates OPL's commitment to prevent and address harassment and discrimination.

OPL is committed to providing a working environment in which all individuals are entitled to and expected to contribute to a respectful workplace. OPL will not tolerate, ignore, or condone discrimination or harassment and is committed to promoting respectful conduct, tolerance, and inclusion. All individuals are to be treated with respect and dignity in keeping with OPL's values. All employees are responsible for respecting the dignity and rights of their co-workers and the public they serve.

Definitions:

Discrimination: Discrimination is any practice or behaviour, whether intentional or not, that has a negative effect on an individual or group because of personal characteristics or circumstances unrelated to the person's ability or employment. Discrimination may arise of direct differential treatment, or it may result from the unequal effect of treating individuals and groups in the same way.

The *Ontario Human Rights Code* states that every person has a right to equal treatment in employment without being discriminated against based on the following prohibited grounds, as amended from time to time or as recognized by case law:

- Age
- Ancestry
- Citizenship
- Colour
- Creed
- Disability
- Ethnic origin
- Family status
- Gender expression
- Gender identity
- Marital status
- Place of origin
- Race
- Record of offences
- Sex (including pregnancy & breastfeeding)
- Sexual orientation

Discriminatory Harassment (Code-based): Discriminatory harassment is harassment (defined below) that is based on a ground protected under the *Ontario Human Rights Code*.

Some examples of Code-based discriminatory harassment may include:

- Offensive comments, slurs, jokes or behaviour that disparage or ridicule a person's membership or perceived membership in one of the prohibited grounds such as race, religion family status, or sexual orientation.
- Imitating a person's accent, speech, or mannerisms.
- Inappropriate comments or jokes about an individual's age, sexual orientation, or personal appearance.

Workplace Harassment(non-Code-based) : Engaging in a course of vexatious comment or conduct against a worker in the workplace, including virtually using information and communication technology, that is known or ought reasonably to be known to be unwelcome.

Workplace harassment includes workplace sexual harassment (defined below) and creating or contributing to a poisoned work environment (defined below). Workplace harassment may have any of the following components:

- It is generally repetitive, although a single serious incident may constitute workplace harassment if it has a lasting harmful effect.
- It is hostile, abusive, or inappropriate.
- It affects the person's dignity or psychological integrity.

In addition, behaviour that intimidates, isolates, or discriminates against the recipient may also be included. Some examples of workplace harassment include:

- 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, or bullying.
- Gossiping or spreading rumours, regardless of whether they are malicious.
- Excluding or ignoring someone, including persistent exclusion of a particular person from work-related social gatherings.
- Mobbing of an individual by a group of other employees.
- Humiliating someone.
- Offensive or intimidating phone calls, emails or social media posts.
- Making false accusations about someone in emails or other work-related documents or social media.

Harassment can take many forms and may be directed at an individual or group of individuals. Harassment can occur in various types of communication, including face to face exchanges, email correspondence, written correspondence and the use of social media.

Workplace harassment does not typically include:

- Constructive feedback regarding performance or operational directives provided to employees by their supervisors, managers, or directors is not considered harassment.

- Legitimate, reasonable management actions that are part of the normal work function such as appropriate direction, delegation, performance management, counselling or discipline administered by a member of management.]
- Professional debate.
- Attendance management.
- Stressful events encountered in the performance of legitimate job duties.
- Occasional disagreements or personality conflicts.

Workplace Sexual harassment:

1. Engaging in a course of vexatious comment or conduct against a worker in the workplace, including virtually through the use of information and communications technology, because of sex, sexual orientation, gender identity or gender expression, where the course of such comment or conduct is known or ought reasonably to be known to be unwelcome, or

2. 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.

Sexual harassment also includes negative or inappropriate conduct or comment that not necessarily sexual in nature, but which are directed at an individual because of their gender. Comments or conduct of a sexual nature that are based on gender or sex that are necessarily directed at a particular individual but are unwelcome or offensive to an individual or group can also constitute sexual harassment.

Anyone can be the subject of sexual harassment, regardless of their gender. 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 (persistent inappropriate staring).
- Displaying sexually explicit material such as posters, calendars, cartoons, screen savers, videos, pornographic or erotic websites or other electronic material.
- Distributing sexually explicit e-mail or text messages or attachments such as video files.
- Sexually suggestive or obscene gestures or comments.
- Persistent, unwanted attention after a consensual relationship ends.
- Physical conduct of a sexual nature, such as touching or caressing.
- Sexual assault.
- Gossip or rumours regarding a person's sexual activities or relationships.
- Using homophobic or transphobic slurs or jokes.
- Bragging about sexual prowess, or discussions about sexual activities.
- Behaviour that promotes and/or reinforces traditional heterosexual gender norms.
- Intrusive comments, questions, or insults about a person's body, physical characteristics, gender-related medical procedures, clothing, mannerism or other forms of gender expressions.
- Refusing to refer to a person by their self-identified name and personal proper pronoun.

Mobbing: A form of workplace harassment or bullying when perpetrated by a group rather than an individual.

Workplace: The workplace includes all locations where business or other activities of OPL are conducted, including virtual meetings, remote work locations, and work-related social events. The Respectful Conduct Policy and Procedure may apply to incidents that happen away from work (ie. inappropriate social media posts, phone calls, emails or after work socials) if the discrimination or harassment affects the workplace.

Roles & Responsibilities

Oakville Public Library employees have a shared responsibility to create and maintain an environment that is respectful, inclusive, and free from workplace harassment and discrimination.

Shared responsibilities:

- Become familiar with and abide by the requirements of OPL's Respectful Conduct Policy and Procedure.
- Act respectfully when interacting with OPL employees and members of the public.
- Promote a workplace that is free from workplace harassment and discrimination. This means not engaging in, condoning, or ignoring behaviour contrary to OPL's Respectful Conduct Policy and Procedure.
- Report incidents of workplace harassment or discrimination that have been experienced or witnessed in accordance with this procedure and in a timely manner.
- Be honest, forthcoming, and fully cooperate with OPL in good faith in efforts to investigate and resolve matters under this procedure.
- Abide by privacy and confidentiality expectations.
- Participate in training as required.

Leaders' responsibilities:

- Provide an environment that is free from discrimination and harassment.
- Lead by example by not tolerating, engaging in, or condoning workplace harassment or discrimination or other violations under OPL's Respectful Conduct Policy and Procedure.
- Communicate to employees in their respective department that workplace harassment and discrimination is not permitted and will not be condoned or ignored.
- Take immediate and reasonable steps to address issues of workplace harassment or discrimination when they become aware or ought to have known in accordance with the Respectful Conduct Procedure, regardless if a formal complaint has been filed.
- Engage Human Resources when learning of allegations or the potential of workplace harassment or discrimination.
- Cooperate fully and allow employees to be available to participate in investigations and other resolution processes.
- Be sensitive to the nature of the complaint and implement recommended changes in the workplace.
- Keep all information about a complaint and/or investigation confidential. Provide information to workers on various support programs (ie. Employee and Family Assistance Program) as appropriate.

Human Resources responsibilities include:

- Provide training and education to all employees and leaders on the Respectful Conduct Policy and Procedure including their responsibilities.

- Provide guidance on the Respectful Conduct Policy and Procedure to managers, supervisors and employees.
- Act in a timely manner when becoming aware of workplace harassment and discrimination regardless of whether a formal complaint is received under the policy.
- In consultation with the CEO or designate, investigate complaints internally and/or determine when an external investigator is required.
- Record and maintain appropriate documentation.
- Exercise objectivity and impartiality.
- Ensure confidentiality except as necessary to investigate or otherwise required by law.

Employees' responsibilities include:

- Taking personal responsibility to maintain respectful working relationships and constructively resolve conflict.
- Refraining from harassing and inappropriate workplace conflict.
- Reporting any observed or experienced discrimination, harassment and workplace conflict in the workplace as per the Respectful Conduct procedures.
- Applying and complying with the employer's policies and procedures.
- Notifying the next level of supervisor/management not involved in the complaint as soon as possible about the alleged violation
- Cooperating fully and in a truthful manner in any investigation, and keep any information about the complaint and/or investigation confidential.

References:

Occupational Health and Safety Act

Ontario Human Rights Code

Accessibility for Ontarians with Disabilities Act, 2005

Occupational Health, Safety and Violence Policy

Employee Code of Conduct