

# Respectful Conduct Policy

<b>Policy Number:</b>	<b>HR-006</b>
<b>Policy Category:</b>	<b>Human Resources</b>
<b>Approved by:</b>	OPL Board
<b>Accountability:</b>	Chief Executive Officer
<b>Approval Date:</b>	January 18, 2024
<b>Effective date:</b>	January 18, 2024
<b>Next Review Date:</b>	<b>2026</b>
<b>Supersedes:</b>	February 2021

## Purpose:

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

This policy complies with the *Accessibility for Ontarians with Disabilities Act*, the *Ontario Human Rights Code* and the *Occupational Health and Safety Act*, as amended. OPL will not condone discrimination or harassment with respect to race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status or disability.

It is a shared responsibility of every employee to support and maintain a positive work environment by always acting in an appropriate manner in the workplace or at any work-related or employee social function. Any inappropriate conflict or behaviour will not be tolerated.

Resolution of complaints under this policy will be handled in accordance with the *Respectful Conduct procedures* which includes reporting; investigating; disclosure; and resolution.

OPL, as an employer, is committed to:

- Zero tolerance of discrimination, harassment and workplace conflict;
- Resolution of discrimination, harassment and workplace conflict, as soon as possible;
- Proactive communication and education regarding employee's rights and responsibilities;
- Conducting 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 every person accessing the library's services.

## Policy Statement:

The OPL is committed to providing a healthy, safe and supportive workplace for all employees that is free from discrimination, harassment, and workplace conflict.

It is important to the library that staff is provided with, and contribute towards, a respectful workplace where the values of trust, fairness, integrity, respect and dignity guide our interactions with one another.

## Definitions:

**Discrimination:** Includes but is not limited to unequal treatment based on one or more of the prohibited grounds under the *Ontario Human Rights Code*, except where conduct is permitted under the law. Discrimination can be intentional or unintentional, direct or indirect with the result being an adverse impact on the employee based on the prohibited grounds.

**Workplace Harassment:** Includes a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome. It may include but is not limited to:

- written or verbal insults
- unwanted remarks or comments on a person's mannerisms or body,
- practical jokes that cause embarrassment or endanger an employee's safety,
- behaviour that undermines or sabotages the employee's job performance,
- behaviour that threatens the livelihood of the employee,
- behaviour, conduct, comments or activities not directed specifically at an individual, but which nonetheless create a degrading, offensive, "poisoned" work environment. It may include, but is not limited to:
  - circulating or displaying sexually explicit, racist or derogatory pictures, graffiti or other offensive materials, patronizing behaviour, language or terminology that reinforces stereotypes and undermines self-respect or adversely affects work performance or conditions.

Harassment does not include:

- legitimate, reasonable management actions that are part of the normal work function that may include, but is not limited to appropriate direction, delegation, performance management, counselling or discipline administered by a member of management or a management designate;
- professional debate;
- attendance management;
- relationship of mutual consent or mutual flirtation;
- stressful events encountered in the performance of legitimate job duties;
- occasional disagreements or personality conflicts.
- conditions in the workplace that generate stress (technological change, impending layoff, a new boss, friction with other employees, workload, etc.)

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. Differences of

attitude or culture and misinterpretation of social signals can mean that what is perceived as harassment by one person may not seem so to another. Behaviour shall be regarded as harassing if, having regard to all the circumstances, including in particular the perception of the person who is the subject of the harassment, it should reasonably be considered as having that effect.

Harassment also includes the following:

**Sexual harassment:** Occurs when there is a course of vexatious comment or conduct against a worker in the workplace 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 making 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. This may include, but is not limited to the following:

- Unnecessary or unwanted physical contact, ranging from touching, patting or pinching, to physical assault;
- Leering (suggestive staring at a person's body), or other suggestive gestures;
- Unwelcome remarks, jokes, innuendoes or taunting about a person's physical appearance, attire, sex or sexual orientation;
- Practical jokes of a sexual nature, which cause awkwardness or embarrassment;
- Demands for sexual favours or requests, particularly where privilege is implied;
- Compromising invitations;
- A threat to job security or working conditions (i.e. advancement, monetary raise, etc.) for refusing to comply with sexual demands by a person in a position of authority

**Personal harassment/bullying:** Personal harassment or bullying is any unwelcome, disrespectful, intimidating, abusive, cruel, vindictive or offensive behaviour, conduct or communications directed at an individual or group. In some cases it may erode their self-confidence or self-esteem and it may create an intimidating, offensive or embarrassing work environment often referred to as a Poisoned Work Environment. Personal harassment may include, but is not limited to:

- name calling;
- insults;
- inappropriate jokes;
- threats;
- shouting;
- derogatory remarks (including messages that are threatening, derisive, or defamatory);
- spreading malicious rumours;
- persistent criticism and exclusion.

**Workplace conflict:** Inappropriate workplace conflict occurs when two or more employees disagree on a matter which results in a disruption to the cohesive relationships necessary for a productive and harmonious workplace.

## **Roles & Responsibilities**

Oakville Public Library, along with all employees, have a shared responsibility to support and maintain a positive work environment by committing to the following:

### **Oakville Public Library:**

The library has the primary responsibility to establish and maintain a respectful workplace as defined in this policy. Employer responsibilities include:

- Taking steps to prevent discrimination, harassment and workplace conflict and maintain a respectful workplace;
- Communicating and educating workers on policies and procedures along with rights and responsibilities;
- Educating leaders on policies and procedures;
- Not engaging in discrimination, harassment and workplace conflict and applying and complying with employer policies and procedures.

### **Leaders' responsibilities include:**

- Providing an environment that is free from discrimination, harassment, violence and conflict – setting a good example and not participating in or ignoring harassment, discrimination, violence or workplace conflict;
- Ensuring workers are provided with information about and access to policies and procedures related to discrimination, harassment and workplace conflict;
- Being aware of the potential for discrimination, harassment, violence and workplace conflict and proactively intervening before problems arise;
- Acting quickly and appropriately as soon as becoming aware of possible violations in consultation with Human Resources;
- Cooperating fully and making their employees available to participate in investigations and other resolution processes;
- Being sensitive to the nature of the complaint and implement recommended changes in the workplace;
- Taking steps to restore positive working relationships
- Maintain confidentiality

### **Human Resources responsibilities include:**

- Educating and training all employees on the policies and procedures related to Respectful Conduct including their responsibilities ;
- Acting quickly and appropriately upon receipt of complaint under the policy
- In consultation with the CEO or Board Chair follows the Respectful Conduct procedure ensuring all parties have a copy of the relevant policies and an investigation is conducted and appropriate action taken.
- Providing guidance on the policies and procedures to supervisors and employees;
- Keeping any information about the complaint and/or investigation confidential.

## **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.

## **Reporting**

Any employee who believes they are being harassed should consult with their respective leader if suitable and/or Human Resources, who can assess whether the complaint falls under this policy and discuss possible courses of action. Concerns should be raised as soon as reasonably possible.

OPL is committed to addressing complaints and to investigating bona fide complaints according to *Respectful Conduct* procedures.

## **Confidentiality**

All persons involved with a complaint must endeavour to ensure that the matter remains confidential. To this end, complaints shall be investigated both confidentially and objectively, with respect for the rights of all parties involved. All information must remain confidential except where sharing information is otherwise required by law.

## **Consequences**

Any employee who violates this policy, breaches confidentiality in relation to a complaint under the policy, retaliates or threatens retaliation against an individual due to their making a complaint or acting as a witness, and/or leaders who fail to take action when advised of a violation, will be subject to appropriate progressive discipline, up to and including termination of employment. Progressive discipline may also be taken if a complaint is found to be trivial, frivolous, vexatious or has been made in bad faith, fraudulently or with malicious intent.

## **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