



## Collingwood Public Library

Policy Type: **Human Resources**

Policy Number: **HR – 07**

Policy Title: **Human Rights –  
Discrimination and  
Harassment**

Policy Approval Date: **January 23, 2025**

Policy Review Date: **January 2026**

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The Collingwood Public Library Board recognizes the dignity and worth of every person and is committed to providing a workplace free from discrimination and harassment and ensuring that any complaint is resolved quickly and with fairness and confidentiality.

Managers, supervisors, board members, volunteers and staff are expected to uphold this policy. Workplace discrimination or harassment will not be tolerated from any person in the library including co-workers, members of the board, volunteers, supervisors, patrons, and family members.

This policy is a companion to the Library's Prevention of Workplace Violence Policy.

### Section 1: Discrimination

1. The Collingwood Public Library adheres to Ontario **Human Rights Code** 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, gender identity, gender expression, 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.

### Section 2: Harassment

1. The Collingwood Public Library Board 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. As of September 2016, workplace harassment includes "workplace sexual harassment," that is, 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 or making a sexual solicitation or advance and the person knows or ought reasonably to know that the solicitation, advance, comment or conduct is unwelcome.

2. Prohibited harassment in the library workplace includes 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. A reasonable action taken by an employer or supervisor relating to the management and direction of workers or the workplace, within the conditions of the *Occupational Health and Safety Act* is not workplace harassment.
4. The Ontario *Employment Standards Act* (ESA) prohibits employers, and anyone acting on their behalf, from harassing or penalizing an employee in any way because the employee asks the employer to comply with the ESA or asks the employer about employee rights under the ESA.
5. Harassment may include:
  - a) making remarks, joke 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.
6. Uninvited sexual touching will be considered assault and reported to police.

### **Section 3: Responsibilities and False Reports**

1. Responsibilities of the Employee:
  - a) Treat all persons with respect and dignity,
  - b) Comply with this policy at all times to protect themselves and others in the workplace from workplace harassment,
  - c) Report immediately all complaints or incidents of workplace harassment to the CEO,
  - d) Participate in training regarding this policy and workplace harassment prevention,
  - e) Cooperate fully in the investigation of complaints or incidents of workplace harassment.
2. Responsibilities of the CEO:
  - a) Treat all persons with respect and dignity,
  - b) Understand and abide by the requirements of this policy,
  - c) The CEO must develop and maintain a workplace discrimination and harassment program (see Appendix A),

- d) The program will set out:
    - i. procedures for reporting incidents of workplace discrimination and harassment,
    - ii. the process for dealing with and investigating complaints,
    - iii. a formalized training program, as required by Bill 132 and
    - iv. the system for maintaining all associated records should an inspection by the Ministry of Labour or employee inquiries occur.
  - e) Encourage employees to report complaints or incidents of workplace harassment,
  - f) Respond to all complaints or incidents of workplace harassment in a professional manner appropriate to the circumstances of the complaint or incident.
3. Employees who are found to have made false or malicious complaints will be subject to disciplinary action.
4. This policy will be:
- a) reviewed annually by the board,
  - b) posted on the library's health and safety board along with the Workplace Discrimination and Harassment Program (Appendix A).

**Related Documents:**

***Human Rights Code*** R.S.O. 1990, Chapter H.19, section 5 (1)

***Occupational Health and Safety Act*** R.S.O. 1990, CHAPTER O.1

**Bill 132: An Act to amend various statutes with respect to sexual violence, sexual harassment, domestic violence and related matters** (Statutes of Ontario, 2016, Chapter 2)

**Bill 168: An Act to amend the Occupational Health and Safety Act with respect to violence and harassment in the workplace and other matters.** (Statutes of Ontario, 2009, Chapter 23)



## **Appendix A**

### **Workplace Discrimination and Harassment Program**

#### **1. Awareness about Workplace Discrimination and Harassment Policy and Program**

The Collingwood Public Library's Human Rights Policy, which addresses both workplace discrimination and harassment, in addition to being included in the library's policy binder will be posted on the health and safety board along with the Workplace Discrimination and Harassment Program.

#### **2. Training on Discrimination and Workplace Harassment Policy and Program**

All employees will receive a copy of the library's Discrimination and Harassment Policy as part of their onboarding package.

#### **3. Reporting Incidents of Workplace Discrimination and Harassment.**

The Collingwood Public Library encourages any staff member or volunteer who believes that they have 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 their 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,
- 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.



#### **4. Complaint Resolution Procedures**

If the staff member chooses to pursue Complaint Resolution Procedure, the CEO will advise the person against whom the complaint has been lodged of the investigation. The library recognizes and acknowledges that, under Bill 132, an inspector from the Ontario Ministry of Labour has the power to order the library board, as employer, to have an impartial third party conduct an investigation, at the library's expense, and report the outcome of their findings to the complainant.

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 employee 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, gender identity, gender expression, age, record of offences, marital status, family status or disability.