

Human Rights and Harassment Policy

Objective

The Vanderhoof Public Library is committed to providing a work environment in which all individuals are treated with mutual respect and dignity.

The Library also recognizes that employees have the right to work in an environment that is free from harassment, as prohibited by the BC Human Rights Code.

This Policy sets out guidelines for the reporting, investigating and resolving of Complaints of harassment in an effort to ensure a respectful workplace for everyone.

Scope

This policy applies to all staff.

This Policy applies to the workplace itself, and to work-related events. It includes harassment involving Library employees that happens away from the workplace or after regular working hours, where the harassment has a negative impact on the workplace.

Harassment of employees by volunteers, members of the public, contractors, Board Trustees, and those doing business with the Library is not tolerated.

Definitions

Harassment is a form of discrimination, and is prohibited by the BC Human Rights Code. Harassment includes behaviour that a reasonable person would find unwelcome, has a negative impact on the workplace, and is related to any of the characteristics which are listed as Prohibited Grounds of discrimination in the BC Human Rights Code, namely:

- Age
- Ancestry
- Colour
- Criminal or summary conviction offence that is unrelated to employment
- Family Status
- Marital Status
- Physical or Mental Disability
- Place of Origin
- Political belief
- Race
- Religion
- Sex
- Sexual Orientation
- Gender Identify or Expression

Harassment can, depending on the seriousness of the behaviour, consist of a single incident or several incidents. It can be directed at one person, or it can involve several individuals.

Behaviour does not need to be intentional to be considered harassment, although intention may be relevant in assessing the severity of the behaviour. Some examples of harassment include, but are not limited to:

- unwelcome, offensive remarks, jokes, slurs, or innuendo related to any of the Prohibited Grounds;
- unwelcome, offensive behaviour related to gender identity, gender expression or perceptions of sexual orientation or gender;
- displaying or distributing derogatory or offensive pictures, graffiti or other materials related to any of the Prohibited Grounds, including but not limited to racist, sexist, or homophobic materials;
- refusing to interact or communicate with persons because of any of the Prohibited Grounds;
- unwelcome, offensive communications related to a Prohibited Ground sent by any means, including email or other electronic transmission;
- unwelcome, offensive behaviour related to a Prohibited Ground, where tolerance of the behaviour is explicitly or implicitly made a term of employment or a consideration in job-related decisions;
- unwelcome, offensive behaviour related to a Prohibited Ground that creates an intimidating, hostile, offensive or poisoned workplace environment;
- unwelcome, offensive comments that are sexual in nature;
- unwelcome, physical contact, such as touching, patting or pinching.

Harassment under this Policy does not include conduct that a reasonable person would find welcome or neutral. This Policy is not intended to curtail welcome, appropriate workplace interaction.

Some examples of conduct that is not harassment include, but are not limited to:

- welcome, mutually consensual relationships or social invitations that do not involve inappropriate or offensive behaviours, intimidation, explicit or implicit threat of retaliation, or misuse of power;
- the exercise of the Library's right to direct the workforce, including supervising, managing and giving appropriate and legitimate performance feedback, coaching, and discipline;
- bona fide occupational requirements established by the Library as contemplated in section 13 subsections 3 and 4 of the BC Human Rights Code.

Bullying and Harassment (WorkSafeBC policy definition):

- Bullying and Harassment (a) includes any inappropriate conduct or comment by a person towards a worker that the person knew or reasonably ought to have known would cause that worker to be humiliated or intimidated, but (b) excludes any reasonable action taken by an employer or supervisor relating to the management and direction of workers or the place of employment.
- The WorkSafeBC policy clarifies that a person includes any individual, whether or not they are a workplace party. This means that a person could be a workplace party such as an employer, supervisor, or co-worker, or a non-workplace party such as a member of the public, a client, or anyone a worker comes into contact with at the workplace.

Policy Statements

1 General

Library employees shall not be subjected to, and shall not subject another individual to, harassment as it is defined in this policy.

Bullying and harassment are not acceptable and will not be tolerated in the workplace.

2 Roles and Responsibilities

2.1 The Vanderhoof Public Library

The Library has the primary responsibility to establish and maintain a work environment free of harassment as defined in this Policy.

Employer responsibilities include:

- developing a policy statement with respect to workplace bullying and harassment and policies to address bullying and harassment in the workplace;
- taking steps to prevent and minimize workplace bullying and harassment;
- developing and implementing procedures for the reporting of incidents or complaints of bullying and harassment;
- developing and implementing procedures for investigating and dealing with incidents and complaints;
- informing workers of policies and procedures;
- training supervisors and workers on all policies and procedures;
- ensuring there is an annual review of policies, procedures and training;
- not engaging in bullying and harassment of workers and supervisors and applying and complying with the employer policies and procedures.

2.2 The Equal Employment Opportunity Program (“EEO”)

EEO is mandated by the Board to oversee the Library’s Human Rights and Harassment Policy, and provides:

- informal and formal processes to address concerns of harassment;
- an accessible, impartial resource for all staff;
- education and support to all staff, including employees, supervisors, and managers, on preventing and addressing harassment.

2.3 Supervisory Staff

All staff responsible for supervision have an essential role in preventing and resolving harassment issues. Their primary responsibilities with respect to harassment are:

- ensuring staff is provided with information about and access to policies and procedures related to harassment;
- not engaging in bullying and harassment of workers, other supervisors, the employer or persons acting on behalf of the employer;
- applying and complying with the employer's policies and procedures;
- modeling appropriate behaviour and monitoring the workplace for incidents of harassment;
- intervening promptly and appropriately when they know, or ought reasonably to know, that harassment is occurring.

2.4 Employees

All employees are part of creating a harassment free workplace and have a responsibility to refrain from harassment as defined in this Policy by:

- taking personal responsibility to maintain respectful working relationships and constructively resolve conflict;
- not engaging in bullying and harassment of other workers, supervisors, the employer or persons acting on behalf of the employer;
- reporting any observed or experienced bullying and harassment in the workplace;

- applying and complying with the employer’s policies and procedures.

3 Harassment Complaint Procedures

Complaints related directly to bullying and harassment based wholly or in part on a prohibited ground as identified in the BC Human Rights Code will be dealt with under this Human Rights and Harassment Policy. Complaints related to bullying and harassment which are not wholly or in part based on a prohibited ground as identified in the BC Human Rights Code will be dealt with under the Respectful Workplace Policy.

3.1 General

The Library’s procedures for addressing harassment Complaints are designed to be flexible, timely and accessible. The Library provides both an informal and formal process to resolve harassment Complaints.

An individual who believes they are being harassed (the “Complainant”) may consult an EEO Advisor, who can assess whether the Complaint falls under this Policy and discuss possible courses of action.

Staff represented by CUPE391 may also wish to contact the Union for assistance.

Concerns about harassment should be raised as soon as reasonably possible. The time limit for filing a Complaint under this Policy is 6 (six) months from the time of the last alleged incident of discrimination or harassment. Exceptions may be made in extenuating circumstances.

Some of the options available may include:

- the Complainant discussing their concerns directly with those involved;
- having an appropriate party assist the Complainant in discussing concerns with those involved. An appropriate party could include

a supervisor, manager, director, human resource consultant, EEO advisor or union representative;

- initiating an “informal” or “formal” resolution process through EEO as outlined below.

EEO may suggest interim measures to be taken during either the informal or formal processes.

3.2 Informal Complaint Resolution

The Library strives to provide a wide range of options to resolve Complaints. Informal Complaint resolution may include, but is not limited to: mediation, behavioural guidelines or agreements, apologies or other measures agreed to between the parties and the Chief Librarian or their delegate.

3.3 Formal Complaint Resolution

If a Complaint is not resolved informally, or if an individual who believes they are experiencing harassment chooses, they may make a formal Complaint through EEO. Formal Complaints shall be made in writing to management or EEO. EEO will ensure that assistance in completing a written Complaint is provided, as required.

Formal Complaint investigations are conducted by EEO staff. A formal Complaint investigation is an impartial, fact-finding process. The investigators do not advocate on behalf of, or represent, any party involved in a Complaint.

Formal Complaint investigations cannot be carried out anonymously. The identity of the Complainant and the allegations contained in the Complaint shall be made known to the individual(s) alleged to have engaged in harassment (the “Respondent”). The Respondent shall be provided a full and fair opportunity to respond to the allegations contained in the Complaint. Likewise, the Complainant shall be provided with the response and shall have an opportunity to reply.

At any time during the course of the investigation, the matter may be resolved, so long as the resolution is agreed to by each of the parties and the Chief Librarian or their delegate.

Once the formal Complaint investigation is complete, the Complainant, Respondent and the Chief Librarian or their delegate shall be notified of the findings of the investigation.

3.4 Other Remedies

None of the procedures described in this Policy prevent a person from pursuing other remedies, such as pursuing a grievance, where applicable, or filing a Complaint with the BC Human Rights Tribunal.

The investigation procedures outlined under this Policy may be suspended at the discretion of EEO until any other remedial processes have been concluded.

3.5 False or Malicious Complaints

If a Complaint is found to be false or brought for malicious purposes, the Library may take disciplinary measures against the Complainant, up to and including termination of employment. However, a Complaint that is found to be unsubstantiated or based on mistake may not be considered false or malicious.

4 Retaliation

4.1 General

Retaliation also constitutes a form of discrimination under this Policy, and may form the basis of a separate Complaint.

4.2 Forms of Retaliation

Any form of retaliation or discrimination against an employee because that person initiated a Complaint of harassment, or because that person acted as a witness or otherwise participated in an investigation, may be considered a violation of this Policy. Such action may result in discipline up to and including termination of employment.

4.3 Reporting Retaliation

If an employee believes that they have been subjected to retaliation as set out above, that person may report it as outlined under Section 3 of this Policy.

5 Consequences of Harassment

Engaging in harassment or retaliation is serious misconduct and may result in disciplinary action up to and including termination of employment.

It is understood that unionized employees may grieve any disciplinary action under the applicable collective agreement.

6 Confidentiality and Document Retention

Information collected and retained by EEO during the course of an informal or formal harassment resolution process is treated as confidential. During the investigation process, EEO shall limit disclosure of Complaint-related information to that which is necessary to resolve the Complaint.

If, after investigation, a Complaint is not established, no documentation of the Complaint shall be placed on either of the parties' personnel files. However, documentation of the investigation shall be kept in a confidential file separate from the employee's personnel file and maintained by EEO in order to evidence the Library's proper investigation of formal Complaints of harassment. Documentation which outlines disciplinary action arising from an investigation shall be placed on an employee's personnel file.

Confidentiality extends to all records relating to Complaints, including but not limited to meetings, interviews and investigation results. Individuals making a Complaint, witnesses and individuals against whom a Complaint has been made are expected to maintain confidentiality. Personal information, including the identities of the Complainant(s) and Respondent(s), shall be protected in accordance with the Freedom of Information and Protection of Privacy Act.

Information collected and retained by EEO may be required to be released by law including release required in court proceedings, arbitration or other legal proceedings.

7 Collective Agreements and Legislation

In the event that any portion of this Policy is inconsistent with the Library collective agreement or federal or provincial legislation, that portion and only that portion of the Policy shall have no application to the extent of that inconsistency. All other portions of the Policy shall continue in full force and effect.