

Respectful Workplace Policy

Policy Statement

The South Shore Regional Library Board is committed to a healthy, safe and supportive workplace and is committed to provide a work environment that values diversity and where all persons are treated with respect and dignity. It is the right of all employees to work in an environment free from harassment, sexual harassment, and discrimination.

Harassment, sexual harassment, and discrimination (offensive behaviour) affect the workplace and the well-being of individuals and will not be tolerated. This policy promotes awareness, prevention, and prompt resolution of offensive behaviour. The *Nova Scotia Human Rights Act* prohibits sexual harassment and discrimination on the basis of the protected characteristics set out in the act. The Library's policy goes beyond the parameters of legislation by prohibiting other types of workplace harassment.

Whether the source of the offensive behaviour comes from within the Library or outside, any allegation of offensive behaviour is serious and should be taken seriously. The Chief Librarian has an obligation to take appropriate action to protect their employees and others in the workplace and to put a stop to any offensive behaviour of which they are aware. Employees have an obligation to treat all persons with respect and dignity and are encouraged to take appropriate action to ensure offensive behaviour is not tolerated or condoned.

Definitions

COMPLAINT

Written allegation of offensive behaviour submitted to the Chief Librarian with copy to the Library Board Chair both marked personal & confidential.

DISCRIMINATION

Means discrimination as legislated under the *Nova Scotia Human Rights Act*.

EMPLOYEE

Means any person currently on the Library's payroll system.

HARASSMENT

Harassment refers to derogatory or vexatious conduct or comments that are known or ought reasonably to be known to be offensive or unwelcome. Harassment includes, but is not limited to, the following:

- actions or comments that are directed at no person in particular but that create an intimidating, demeaning or offensive work environment;
- conduct or comments that would amount to harassment involving any of the protected characteristics set out in the *Nova Scotia Human Rights Act*: age; race; colour; religion; creed; sex; physical condition (including pregnancy); sexual orientation; gender identity; gender expression; physical disability or mental disability; an irrational fear of contracting an illness or disease; ethnic, national or aboriginal origin; family status; marital status; source of income; political belief, affiliation or activity; association with another individual or class of individuals having characteristics named above.

INVESTIGATOR

An individual(s) appointed by the Chief Librarian to investigate through fact-finding complaints of offensive behaviour.

RESPONDENT

An employee(s) against whom allegations of offensive behaviour are made.

SEXUAL HARASSMENT

Means sexual harassment as legislated under the *Nova Scotia Human Rights Act*. Sexual harassment also includes comments, gestures or physical conduct of a sexual nature, or actions or comments with a sexual connotation or component that are directed at no person in particular but that create an intimidating, demeaning or offensive work environment, where an individual knows or ought to reasonably know that the behaviour is unwelcome and offensive. Examples of conduct that fall within the definition of sexual harassment are:

- inappropriate or derogatory comments, humour, insults or behaviour based on gender and/or sexual orientation
- inappropriate, lewd, or sexually offensive written, graphic or behavioural displays
- inappropriate conversation, physical touching, or leering that could be construed to be a sexual advance
- any implied or expressed reward for complying with a sexually-oriented advance or request
- a reprisal or threat of reprisal against an individual for rejecting a sexual solicitation or advance.

THIRD PARTIES

Persons who are engaged in work activities at a Library workplace who are not direct employees of the Library. They include, but are not limited to, volunteers, temporary-agency employees, student work-term, contractors, and custodial staff.

WORKPLACE

Any place occupied by an employee as part of their employment which includes, but is not limited to, lunchrooms, a patron's home or work site, vehicle, training events, conferences, business travel, work-related social gatherings, or other location where an employee is engaged in activity associated with employment.

WORKPLACE RESTORATION (Promoting and/or restoring positive work environment and respectful workplace relationships).

Policy Objectives

This policy seeks to:

- provide a work environment that is free from all forms of offensive behaviour
- educate employees and create understanding as to what is considered offensive behaviour
- provide a mechanism to have offensive behaviour addressed and eliminated from the workplace

Application

- This policy applies to all Library employees, board members and volunteers.

Policy Directives

Creating an environment that is free from offensive behaviour is achieved through awareness and training. The Chief Librarian will ensure that employees are provided with an opportunity to attend respectful workplace training.

Professional librarians and supervisors are to lead by example and take reasonable measures to ensure a work environment that is free from offensive behaviour. If a professional librarian or the Chief Librarian is made aware of a violation of this policy, they are required to take action even in the absence of a complaint. This applies to situations that involve employees as well as third parties working in a Library workplace.

It is the intent of this policy to promote employee involvement in resolving situations. The use of resolution options, including mediation, is encouraged at any stage of this policy.

Resolution to a situation should be sought within 12 months of the offensive behaviour. In extenuating circumstances the Chief Librarian may consider complaints beyond 12 months.

Nothing in this policy shall be deemed to restrict the authority of Professional librarians in performance management, counselling, disciplinary action or other appropriate interactions between employees and supervisors.

All information regarding a complaint is to be treated as confidential and will be disclosed on a need to know basis only.

Advisory services

Employee Assistance Program Consultants (currently provided through Sunadvantage plan), may act as Advisors and are available to provide information to employees on their options under this policy on a confidential basis. This service will be accessible to complainants, potential complainants, respondents, witnesses, and professional librarians. Employees need not identify themselves when requesting advice.

Resolution options

The following resolution options are available to all employees.

1. Communicating concerns directly to the person

- Employees who believe they are experiencing offensive behaviour may choose to speak directly with the person(s) and inform them that their behaviour is unwelcome and must stop.
- If done in person, the employee may want to be accompanied by another person.
- The employee should document any discussion between the employee and the person(s) concerned and keep a record of (any written correspondence).
- A matter dealt with to the employee's satisfaction is considered resolved.

(AND/OR)

2. Communicating concerns to professional librarian or the Chief Librarian

- If the matter is not resolved to the employee's satisfaction or if the employee chooses not to speak to the person(s) directly, the employee may approach their supervisor or the Chief Librarian and ask for their assistance in resolving the situation.
- If the discussion is done in person, the employee may find it helpful to be accompanied by another person.
- The employee should document any discussion between them and the professional librarian or the Chief Librarian and keep a record of the discussion and, if the concerns are communicated in writing, to keep a copy of the correspondence
- Within 10 working days of being informed of the situation the professional librarian or the Chief Librarian will review and take steps to resolve the situation as appropriate.
- The Chief Librarian may refer the matter to an Investigator or an appropriate outside professional or ask for their assistance in resolving the situation which may include a request for mediation.
- Once a professional librarian or the Chief Librarian is made aware of a behaviour that could be a breach of this policy, they must ensure that the matter is properly dealt with.

3. Written complaint option

An employee has the option to initiate a written complaint if the above resolution options are not effective in resolving the situation to the satisfaction of the employee or if the employee prefers to file a written complaint immediately.

Filing a Complaint

Written complaints must be signed by the complainant.

- A letter describing the complaint must be sent to the Chief Librarian and Board Chair marked "Personal & Confidential".
- Upon receipt of the complaint, the Chief Librarian will inform the respondent that a complaint has been filed and that the Chief Librarian will be conducting a preliminary investigation.
- Within 10 working days of the complaint being acknowledged, the Chief Librarian or Investigator reviews the complaint and if (necessary, seeks additional information to determine that the allegations, if proven, are offensive behaviour. The Chief Librarian (or Investigator may extend this time limit if required.
- If the Chief Librarian or Investigator determines that the allegations, if proven, are not offensive behaviour, the Chief Librarian (informs the complainant and the respondent, in writing. The Chief Librarian may redirect the complainant to other appropriate (avenues of recourse or may suggest other means of resolving the situation.

- If the Chief Librarian or Investigator determines that the allegations may be offensive behaviour, the Chief Librarian or (Investigator may offer the option of mediation to the complainant and the respondent. Both parties have to agree to the mediation in order for the process to begin.
- Within 20 working days of initiating the mediation process, the complainant and the respondent will have resolved the situation (or the mediation will be suspended. A report will be provided by the Mediator to the Chief Librarian indicating the results of the mediation.

Formal Investigation

- The Investigator(s) will interview the complainant, the respondent, and any witnesses, and will review relevant documentation.
- The Investigator(s) must complete their investigation and file a report of their findings to the Chief Librarian within 90 working (days of receiving the complaint.

Decision

- Within 15 working days of receiving the Investigator's report, the Chief Librarian determines on the basis of the Investigator's report what action, if any, including appropriate disciplinary action, is to be taken.
- The Chief Librarian may seek the advice of the Investigator or other appropriate outside professional, in determining appropriate workplace restoration options which maybe actioned to create a workplace free from offensive behaviour.
- The Chief Librarian may seek the advice of the Investigator or other appropriate outside professionals in determining (whether disciplinary action is warranted and the appropriate level of disciplinary action where applicable.
- The Chief Librarian will inform the parties in writing of the results of the investigation in determining a finding of offensive behaviour. The Chief Librarian will ensure that workplace restorative measures and/or disciplinary actions are taken, if warranted.

Withdrawal of complaint

If at any time after filing a complaint the complainant wishes to abandon the complaint, they must communicate this in writing to the Chief Librarian and Board Chair. The Chief Librarian and Board Chair will determine whether the investigation is to be continued.

Retaliation

Retaliation is prohibited against anyone who has reported an offensive behaviour or participated in an investigation. Retaliation may result in disciplinary action.

Bad faith complaints

Complaints should be undertaken with great care because they may result in damage to the respondent's reputation and disruptions in the workplace. Complaints made which are frivolous, vexatious or in bad faith may result in disciplinary action.

Guidelines

Representation

During the interview process employees have the option of being accompanied by a co-worker or other support person. Employees may seek legal counsel. The cost of such representation will be borne by the employee.

Time lines

At the request of any of the parties, the Chief Librarian may agree to extend the time limits specified at any stage of the process. The Chief Librarian will ensure that the appropriate parties are notified of any time limit extensions.

Dealing with offensive behaviour by Third Parties or patrons

The South Shore Regional Library is committed to provide a workplace that is free from offensive behaviour. This extends to circumstances where an employee is subject to offensive behaviour by patrons or by persons who are not direct employees of the Library but are employed at a Library location.

These procedures do not supersede the *Violence in the Workplace Regulations*, and where circumstances warrant these procedures should be considered in conjunction with those regulations.

Procedures for Dealing with Offensive Behaviour by Third Parties

The following process and procedures apply to circumstances where employees are subject to offensive behaviour by third parties in a Library workplace.

Third parties are persons who are engaged in work activities at a Library workplace who are not direct employees of the Library. They include, but are not limited to, volunteers, temporary agency employees, student work-term, contractors, and custodial staff.

- Upon receipt of a complaint, the Professional librarian will take immediate steps to ensure that the complainant is protected from the source of the alleged offensive behaviour.
- The Professional librarian in consultation with the employee, shall take such action as is appropriate and reasonable in the circumstance to ensure that the offensive behaviour does not continue.

- In the case of a written complaint, an investigation will be carried out in accordance with the process set out in the *Respectful Workplace Policy*.
- The respondent and the respondent's employer, if applicable, will be informed of the complaint and the investigation.
- Any findings determined by the investigation will be provided to the respondent's employer, if applicable.

Procedures for Dealing with Offensive Behaviour by Patrons

- The following process and procedures apply to circumstances where employees are subject to offensive behaviour by patrons.
- Employees who are subject to offensive behaviour by patrons are encouraged to report the incident(s) to their supervisory librarian particularly if the offensive behaviour is of a serious nature or made in circumstances where the employee feels the (offensive behaviour may continue or re-occur.
- Upon receipt of such a complaint, the professional librarian, in consultation with the employee, shall take such action as is appropriate and reasonable in the circumstance to ensure that the offensive behaviour does not continue.
- The professional librarian shall consider what, if any, procedures and safe work practices are appropriate at the workplace to minimize or control offensive behaviour by patrons.

Dealing with offensive behaviour by employees, board members and volunteers

The process as defined in this policy applies to employees, volunteers and members of the South Shore Regional Library Board. Though third parties and patrons cannot access the complaint process described in the policy, professional librarians are to ensure that their employees do not act offensively toward these parties. In addressing these situations, professional librarians are expected to abide by the spirit of the policy and ensure that where internal procedures exist to deal with the complaint, that they are followed.

Other options

External Options

- complaint to the Nova Scotia Human Rights Commission
- complaint under the *Criminal Code*
- complaint under the *Occupational Health & Safety Act*

Accountability

The Chief Librarian is responsible for:

- ensuring all employees are provided with an opportunity to attend respectful workplace training;
- taking steps to create an environment free from offensive behaviour;
- responding to allegations of offensive behaviour;
- responding to employees and Professional librarians inquiries;
- providing referrals to Employee Assistance Program Advisory Services;
- determining appropriate disciplinary action;
- reviewing and processing all written complaints;
- assigning mediators and/or investigators
- handling documentation of complaints appropriately, specifically by
 - ✓ ensuring it is held securely off-site and in the strictest confidence during any periods of investigation;
 - ✓ ensuring it is stored off-site at the Board Chair's home, in a confidential and secure location, after any investigations are concluded;
 - ✓ ensuring documents regarding unfounded allegations are destroyed.

Professional librarians are responsible for:

- ✓ setting a positive example;
- ✓ taking action to protect employees and others from offensive behaviour;
- ✓ responding to allegations of offensive behaviour.

Employees are responsible for:

- ✓ attending respectful workplace training;
- ✓ treating all persons with respect and dignity.

References

Nova Scotia Human Rights Act

Criminal Code of Canada

Occupational Health & Safety Act

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