



**Name:** Respectful Workplace Policy

**Category:** Personnel

**Last Updated:** November 3, 2023

## ***Policy Statement***

The South Shore Regional Library Board (the “Library”) is committed to a healthy, safe and supportive workplace. This includes 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 (collectively, “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 and Library Board have 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 Designated Recipient marked “Personal & Confidential.”

### **DESIGNATED RECIPIENT**

The individual to whom a complaint is submitted. In most cases, the Designated Recipient will be the Chief Librarian, with copy to the Library Board Chair.

If a member of senior management or the board are the alleged respondent, the complaint shall be submitted to the following independent third-party consultant who will act as the Designated Recipient:



Sarah Mullins, Founder and Principal Consultant  
Email: sarah@uptreehr.ca  
Phone: 902-266-6932  
Website: uptreehr.ca

## **DISCRIMINATION**

Discrimination as legislated under the *Nova Scotia Human Rights Act*.

## **EMPLOYEE**

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*.

## **INVESTIGATOR**

An individual appointed by the Designated Recipient to investigate complaints of offensive behaviour through fact-finding.

## **RESPONDENT**

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

## **SEXUAL HARASSMENT**

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 include, but are not limited to:

- 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-terms, contractors, and custodial staff.

### **WORKPLACE**

For the purposes of this policy, 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, vehicles, 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 a 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 within a rolling 3-year timeframe.

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 any supervisor 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 Designated Recipient may consider complaints beyond 12 months.

Nothing in this policy shall be deemed to restrict the authority of supervisors 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 ComPsych) may act as Advisors and are available to provide information to employees on their options under this policy on a confidential basis.

This service is available to complainants, potential complainants, respondents, witnesses, and supervisors. 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 themselves 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.

#### **2. Communicating concerns to a supervisor**

- 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 themselves and the supervisor and keep a record of any written correspondence.
- Within 10 working days of being informed of the situation, the supervisor will review and take steps to resolve the situation as appropriate, including involving the Chief Librarian if the situation is beyond their ability to satisfactorily resolve.
- 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 any supervisor 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. Communicating concerns via a written complaint**

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:***

- Using the template attached in [Appendix A](#), submit the *Written Complaint Form* to the Designated Recipient, marked "Personal & Confidential."
- In order for an investigation to be properly conducted, written complaints may not be submitted anonymously and must be signed by the complainant.
- Upon receipt of the complaint, the Designated Recipient will acknowledge the complaint by informing the respondent that a complaint has been filed and that they will be conducting a preliminary investigation.
- Within 10 working days of the complaint being acknowledged, the Designated Recipient or Investigator must review the complaint and, if necessary, seek additional information to determine that the allegations, if proven, constitute offensive behaviour. The Designated Recipient or Investigator may extend this time limit if required to gather sufficient information.
- If the Designated Recipient or Investigator determines that the allegations, if proven, are not offensive behaviour, they will inform the complainant and the respondent, in writing. They may redirect the complainant to other appropriate avenues of recourse or may suggest other means of resolving the situation.

***Mediation:***

- If the Designated Recipient or Investigator determines that the allegations may be offensive behaviour, they 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 Designated Recipient indicating the results of the mediation.

***Formal Investigation:***

- Should either party not agree to the mediation process, or if the situation remains unresolved following mediation, the Investigator(s) will initiate a formal investigation, including interviewing the complainant, the respondent, and any witnesses, and will review relevant documentation or evidence, as necessary.
- The Investigator(s) must complete their investigation and file a report of their findings to the Designated Recipient within 90 working days of receiving the complaint.

***Decision:***

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

**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 Designated Recipient, who will then 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.

### **Timelines**

At the request of any of the parties, the Designated Recipient may agree to extend the time limits specified at any stage of the process. The Designated Recipient is responsible to 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:***

- Upon receipt of a complaint, the supervisor will take immediate steps to ensure that the complainant is protected from the source of the alleged offensive behaviour.
- The supervisor, 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 Chief Librarian will be informed of the situation at the supervisor's earliest opportunity.
- 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:***

- Employees who are subject to offensive behaviour by patrons are encouraged to report the incident(s) to their supervisor, 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 supervisor, 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 supervisor shall consider what, if any, procedures and safe work practices are appropriate at the workplace to minimize or control offensive behaviour by patrons.
- The Chief Librarian will be informed of the situation at the supervisor's earliest opportunity.

### **Dealing with Offensive Behaviour by Employees, Board Members and Volunteers to Third Parties**

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, supervisors are to ensure that their employees do not act offensively toward these parties. In addressing these situations, supervisors 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 exist to deal with situations in addition to or not covered under this Policy:

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

### ***Accountability***

The South Shore Regional Library Board is responsible for:

- Ensuring a safe and healthy workplace by shaping and approving the *Respectful Workplace Policy* and other relevant policy frameworks.
- Ensuring adequate funding is approved for respectful workplace training.

The Chief Librarian (or other Designated Recipient, where applicable) is responsible for:

- Ensuring all employees are provided with an opportunity to attend respectful workplace training



within a 3-year rolling timeframe.

- Taking steps to create an environment free from offensive behaviour.
- Responding to allegations of offensive behaviour.
- Responding to inquiries made by employees and supervisors.
- Providing referrals to Employee Assistance Program Advisory Services.
- Reviewing and processing all written complaints.
- Assigning mediators and/or investigators.
- Determining appropriate workplace restoration and/or disciplinary action.
- 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, in a confidential and secure location, after any investigations are concluded; and
  - Ensuring documents regarding unfounded allegations are destroyed.

Supervisors are responsible for:

- Setting a positive example.
- Responding to allegations of offensive behaviour.
- Taking action to protect employees and others from offensive behaviour, even in the absence of a complaint.

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*

Effective date: January 19, 2010

Modified dates: March 13, 2019

September 21, 2022

November 3, 2023

## Respectful Workplace Policy – Appendix A

### Written Complaint Form

<b>Complainant:</b>			
Full name:			
Email address:			
Phone number:			
Mailing address:			
City:		Postal code:	
<b>Respondent:</b>			
Full Name:			
Relationship to the Complainant:			
<b>Details about the alleged offensive behaviour:</b>			
<i>Type of incident (check all that apply):</i>			
<input type="checkbox"/> Discrimination (as legislated under the <i>Nova Scotia Human Rights Act</i> ) <input type="checkbox"/> Harassment (verbal) <input type="checkbox"/> Harassment (physical) <input type="checkbox"/> Sexual harassment <input type="checkbox"/> Other (please specify):			
<i>Do you think you are in danger or do you think a physical separation is necessary? (circle one)</i>			
Yes		No	
<i>If yes, please explain why:</i>			

<b>Witnesses:</b>	
<i>Were there any witnesses to the incident(s)? (circle one)</i>	
Yes	No
<i>If yes, please provide their information below:</i>	
Full name:	Relationship to Complainant:
<b>Support Person:</b>	
<p>During the investigation process, you may choose to be accompanied by another person of your choice (who is neither respondent or witness) for advice and support (for example, a co-worker or your spouse).</p> <p>In addition to providing you advice and support, the person that you choose can also speak in your name, but only on questions of procedure, administration linked to the investigation process, the organization of meetings and interviews, and may also receive updates about the status of the investigation process.</p>	
<i>Will you be accompanied by another person during the investigation process? (circle one)</i>	
Yes	No
<i>If yes, please provide their information below:</i>	
Full name:	Relationship to Complainant:
	<input type="checkbox"/> Co-worker <input type="checkbox"/> Spouse / partner <input type="checkbox"/> Family member <input type="checkbox"/> Friend <input type="checkbox"/> Other (please indicate):
Phone number:	

**Allegations:**

If you need additional space, please attach a separate Word document to your written complaint form.

*PLEASE NOTE: You may not disclose any personal information of a confidential nature about yourself or any other person (for example, information about counselling services, medical details, information about effects on a third party, etc.). You must also not supply any information that is not relevant to the inquiry.*

**The allegations that you provide here will be communicated to the alleged respondent in order to investigate and resolve the situation, according to the process outlined in the *Respectful Workplace Policy*.**

Describe the incident(s) of the offensive behaviour:

**Certification:**

I hereby certify that the above information is, to the best of my knowledge, true and accurate. I understand allegations made in bad faith may result in disciplinary action.

Signature:

Date: