



# Workplace Discrimination and Harassment

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## Purpose

The West Perth 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.

Board members, employees, and volunteers are expected to uphold this policy. Workplace discrimination or workplace harassment will not be tolerated from any person in the Library, including members of the Board, supervisors, co-workers, volunteers, patrons, visitors and family members.

## Discrimination

1. The *Ontario Human Rights Code, R.S.O. 1990, chapter H.19 s.5(1)* states that:  
“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.”
2. Discrimination may include abuse of authority or position of power as follows:
  - a. to endanger an employee’s job;
  - b. to undermine the performance of that job;
  - c. to threaten the economic livelihood of an employee;
  - d. to interfere with, or influence the career of, an employee in any way.

## Workplace Harassment

1. Within the *Ontario Human Rights Code*, every person who is an employee has a right to freedom from harassment in the workplace by the employer or agent of the employer, or by another employee.

2. The *Occupational Health and Safety Act* (OHSA) defines “workplace 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.
3. 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.
4. Harassment may include:
  - a. making remarks, jokes 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 communications;
  - e. inappropriate sexual advances, suggestions or requests;
  - f. uninvited sexual touching will be considered assault and reported to the police.

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.

## **Responsibilities and False Reports**

1. The CEO will work with the Municipal Human Resources Coordinator to address any Workplace Discrimination and Harassment concerns, in consultation with the Joint Health and Safety Committee or Health and Safety representative. This process will include:
  - a. acknowledging and investigating complaints, including how parties involved will be made aware of outcomes, and corrective action and how confidentiality will be maintained;
  - b. procedures for reporting incidents of workplace discrimination and workplace harassment, including measures for reporting incidents to an outside source if

- necessary;
  - c. a formalized training program through the Municipality, as required by Bill 132 and;
  - d. the system for maintaining all associated records, should an inspection by the Ministry of Labour or employee inquiries occur.
2. Issues related to this Workplace Discrimination and Harassment process will be reviewed by the Library Board as needed.

### **Related Documents:**

West Perth Public Library Policy. *Prevention of Workplace Violence.*

West Perth Public Library Policy. *Safety, Security and Emergencies.*

Municipality of West Perth. *Employee Policy Manual.*

Municipality of West Perth. *Health and Safety Manual.*

Government of Ontario. *Human Rights Code, R.S.O. 1990, chapter H.19, section 5 (1).*

Government of Ontario. *Occupational Health and Safety Act, R.S.O. 1990, chapter O.1.*

Government of Ontario. *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).

Government of Ontario. *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).

Government of Canada. *Bill C-16: An Act to Amend the Canadian Human Rights Act and the Criminal Code.* (Statutes of Canada 2017, Chapter 13).

**Issued:** February 2021

**Revised:** April 2025