

13.0 RESPECTFUL WORKPLACE POLICY

13.1 PURPOSE AND STATEMENTS

The Fort St John Public Library Association (FSJPLA) is committed to providing a work environment that is free from bullying, harassment, and discrimination and one in which all individuals are treated with mutual respect and dignity. All forms of discrimination, bullying and harassment in the Library environment are unacceptable and will not be tolerated. This policy and procedure clarifies the definition of bullying, harassment and discrimination and outlines the procedures to be followed as required.

13.2 APPLICATION

This policy and procedure applies to all Library staff, volunteers and Board Trustees.

13.3 AUTHORITY

Revisions to the policy can be authorized by the FSJPLA Board of Trustees.

13.4 LEGISLATION OF INTEREST

[Human Rights Code](#)

[Freedom of Information and Protection of Privacy Act \(FOIPPA\)](#)

[Workers' Compensation Act](#)

[Criminal Code of Canada](#)

13.5 RESPECTFUL WORKPLACE POLICY

13.5.1 INFORMATION ON POLICY AND PROCEDURES

- All complaints must be made within six (6) months of the last alleged incident. In unusual circumstances, a complaint filed beyond the six (6) month limitation may be pursued under this policy with the approval of the Director of Library Services.
- This policy will not prevent an individual from pursuing action through alternate resolution procedures including legal action; however, there is no entitlement to duplication of process. In particular:
 - No action will proceed under this policy if the complaint has already been dealt with through some other process, whether internally or externally.
 - If a complainant makes a complaint under this policy and also pursues the complaint through some other process, proceedings under this policy may be adjourned or terminated as appropriate pending resolution of other process.
- This policy is subject to the Human Rights Code, the Freedom of Information and Protection of Privacy Act (FOIPPA), Workers' Compensation Act, and laws of general application.
- This policy and its procedures will not interfere with rights and obligations specified in the current Collective Agreements between the Library and the BCGEU.

13.5.2 PRINCIPLES

- All members of the FSJPLA community share responsibility for creating and maintaining a workplace environment free from Bullying and Harassment and Discrimination. This means not engaging in, allowing, sanctioning, or ignoring behavior contrary to this policy.
- The Director of Library Services and any staff who supervise others carry the primary responsibility for maintaining a working environment free from Bullying and Harassment and Discrimination. They will act on this responsibility whenever necessary, whether or not they are in receipt of a complaint.
- All employees of the Library have a right to bring forward a complaint of Bullying and Harassment and Discrimination in instances where they have reason to believe Bullying and Harassment or Discrimination have occurred.
- Complaints that are malicious, trivial, frivolous, vexatious, or made in bad faith may result in the FSJPLA taking disciplinary action against the complainant, up to and including dismissal.
- The respondent has the right to know the allegations made against him or her, by whom the allegations were made, and to be given an opportunity to respond to the allegations made.
- The respondent and the complainant have the right to a fair and timely process of resolution.
- Those responsible for interpreting, administering, and applying this policy will do so objectively, giving equal regard to the rights of both the complainant and respondent.
- In appropriate circumstances, the FSJPLA may direct that a complaint be investigated and/or determined by an external party.

13.5.3 CONFIDENTIALITY

- The FSJPLA and those involved in the complaint process on the FSJPLA's behalf will maintain confidentiality throughout the complaint process to the extent possible under the circumstances. Personal information pertaining to a complaint will not be disclosed except as required by law or as necessary to investigate or resolve a complaint.
- Failure by an employee to maintain confidentiality may result in the FSJPLA taking disciplinary action, up to and including dismissal.
- If the FSJPLA, or outside third party, determines that the safety of an individual is at risk, the procedures and rights outlined in this policy, including confidentiality may be set aside.
- Excepting letter of discipline or censure, all records related to the complaint will be held in the strictest confidence in a file separate from an employee's personnel file in a secure location.

13.5.4 DEFINITIONS

Complainant

The complainant is the individual making a complaint that disrespectful behavior has occurred.

Respondent

The respondent is the individual alleged to have engaged in disrespectful behavior.

Bullying and Harassment

The policy is relevant to all parties who use the common space known as the “Library”. This includes employees, patrons, Board Members, Management, contractors and IT Staff.

Bullying and Harassment means:

- any inappropriate conduct or comment by a person towards another person that the person knew, or reasonably ought to have known, would cause that person to be humiliated, or intimidated, or
- any other form of unwelcome verbal or physical behavior which by a reasonable standard would be expected to cause insecurity, discomfort, offence, or humiliation to another person or group of people, and has the purpose or effect of interfering with that person’s work performance or creating an intimidating, hostile or offensive work environment.

However, Bullying and Harassment excludes any reasonable action taken by an employer or supervisor relating to the management and direction of employees or the place of employment.

Examples of Bullying and Harassment include, but are not limited to, the following:

- words, gestures, actions or practical jokes, the natural consequence of which is to humiliate, ridicule, insult or degrade;
- spreading malicious rumours;
- threats or intimidation, including threats of violence;
- vandalizing personal belongings;
- physical assault or violence; or
- persistent rudeness, bullying, taunting, patronizing behavior, or other conduct which adversely affects working conditions or work performance.

Discrimination

Discrimination means discrimination in employment based on: race, colour, ancestry, place of origin, political belief, religion, marital status, family status, sexual orientation, gender identification, physical or mental disability, gender, or criminal conviction unrelated to employment or intended employment except where there is a bona fide occupational requirement (BFOR). Discrimination includes Sexual Harassment, as defined below.

Sexual and Gendered Harassment

Sexual Harassment is defined as one or a series of comments or conduct of a sexual or gendered nature that is known or ought to be reasonably known to be unwelcome, offensive, intimidating, hostile, or inappropriate, and that detrimentally affects the work environment or leads to adverse job-related consequences. Sexual and Gendered Harassment includes, but is not limited to:

- unwelcome sexual remarks, jokes, including innuendo or taunting about a person’s body, attire, gender, gender identification, or sexual orientation;
- unwelcome or inappropriate physical contact such as touching, kissing, patting, hugging, or pinching;
- unwelcome inquiries or comments about a person’s personal life of a sexual nature or sexual orientation, or persistent requests for a date;
- leering, whistling, or other suggestive or insulting sounds;
- posting or displaying sexually oriented materials;
- requests or demands for sexual favours which include, or strongly imply, promises of rewards for complying and/or threats of punishment for refusal.

Single acts of sufficient severity may constitute Sexual or Gendered Harassment.

Criminal Harassment

Criminal harassment or “stalking” is a federal offence and generally consists of repeated, unwanted contact or actions carried out over a period of time. These actions cause victims to reasonably fear for their safety but do not necessarily result in physical injury. These actions may, however, be precursors to subsequent violent acts.

- While Criminal Harassment falls outside the scope of this policy, the FSJPLA is committed to full cooperation with all levels of law enforcement agencies to create a working environment free from Criminal Harassment.

13.5.5 PROCESS

A. General Guidelines Regarding the Complaint Process

In all instances the parties are encouraged to work toward a mutually satisfactory solution to a complaint. In appropriate circumstances the FSJPLA may assist in this process through the appointment of a mediator agreed to by the parties.

If comfortable doing so, individuals are encouraged to contact the alleged bully/harasser and inform them that their conduct is unwelcome and contrary to the policy. The individual may demand that the offending behavior stop immediately and document the incident(s) and the discussion. While this is often the simplest and most effective way to end the Bullying and Harassment or Discrimination, a victim of harassment is not obligated to confront the alleged bully/harasser.

If the Bullying and Harassment and/or Discrimination does not stop, an individual may file a complaint or report their concerns in any one of the ways outlined below.

Interference with the conduct of the investigation or retaliation or threats of retaliation against any person involved in any way in the complaint process will not be tolerated and may result in disciplinary action by the FSJPLA, up to and including dismissal.

B. Guidelines for Resolution of a Complaint

Making a Complaint

- All complaints under this policy shall be submitted in writing using the *Complaint Form* (obtained from the Director of Library Services).
- Where an employee is named as a respondent, the complaint must be submitted to the Director of Library Services. If the Director of Library Services is the subject of the complaint, then the complaint may be submitted to the Chairperson of the FSJPLA Board of Trustees.

Receipt of Complaint

- The Director of Library Services will acknowledge receipt of the complaint in writing and will inform the complainant whether the complaint will be pursued under this policy, and, if not, the reasons why.
- All complaints will be taken seriously and will be dealt with fairly and promptly.

Pursuance

If it is determined that the complaint WILL be pursued under this policy:

- If the subject matter of the complaint fits within the definition of Bullying and Harassment and/or Discrimination or Sexual Harassment, it will be investigated. The investigation will be approached in an unbiased manner.
- The Director of Library Services will provide a copy of the complaint to the respondent and advise the respondent that he/she is required to provide the Director of Library Services with a written response.
- The Director of Library Services will also provide the respondent with a copy of this policy.
- The Director of Library Services will investigate or appoint an investigator to engage in a determination of facts. The investigation will commence as soon as possible.
- Both the complainant and the respondent (have the option to be) or will be interviewed, as well as any other witnesses. The investigator may also examine any other evidence, including documentary or physical evidence relevant to the complaint.
- All employees are expected to cooperate with any investigation and provide any details of incidents they have experienced or witnessed.

- Following the conclusion of the investigation, the Director of Library Services will create a written report of their findings. If the investigation is performed by a third party, they will submit a written report to the Director of Library Services. The investigation report and any related investigation documents will be retained by the Director of Library Services in a secure location.

If it is determined that the complaint WILL NOT be pursued:

- The Director of Library Services will inform the respondent in writing that a complaint has been made but will not be pursued further under this policy.
- The information provided will include the reasons for not pursuing the complaint and a statement that no response to the complaint is required. The Director of Library Services will, at the employee’s request, record the disposition of the complaint in the employee’s personnel file.

Determination of Findings

- If the complaint is found to have merit, then appropriate action will be taken. This action may include education, training or counselling, modification of policies/procedures, and/or discipline (such as suspension for a patron) or dismissal of the offending person(s).
- If it is determined that the respondent has not Bullied and Harassed or Discriminated against the complainant, the complaint will be dismissed.
- Staff members have the right to grieve disciplinary action, if any, in accordance with the applicable Collective Agreement.
- In appropriate circumstances, employees may be referred to the Employee Assistance Plan or be encouraged to seek medical advice.

C. Policy Administration

Costs

The FSJPLA will be responsible for the costs of administration of this policy. If it is determined that a complaint is fraudulent, vexatious, or frivolous, the FSJPLA reserves the right to seek indemnification from the complainant for costs incurred in pursuing the complaint.

13.6 TABLE OF APPROVAL	
Date of Original Approval	June 27, 2018
Date of Revision	March 27, 2019
Date of Last Review	March 27, 2019
Signature of Approval	Andy Ackerman, Chair of FSJPLA

