



FLON PUBLIC LIBRARY

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POLICY: Harassment Prevention Policy

LIBRARY COMMITMENT

The Flin Flon Public Library is committed to providing an environment that is free of harassment and discrimination and where everyone is treated with dignity and respect. Workplace harassment will not be tolerated, and the Flin Flon Public Library will take all reasonable steps to prevent harassment and stop it if it occurs. This policy and its related procedures seek to prevent harassment, while providing a process for addressing complaints of harassment should they arise.

This policy covers harassment connected to any matter or circumstance arising out of the worker's employment.

SCOPE

This policy applies to all members of Flin Flon Public Library community, and includes, but is not limited to, patrons, employees, volunteers, board members, and contractors working at the Library.

In the context of their interactions with the Flin Flon Public Library, patrons, community members, volunteers, employees of Flin Flon Public Library's partners, contractors working at the Library, and anyone participating in Flin Flon Public Library sponsored activities are able to make a complaint under the policy, and are expected to conduct themselves in accordance with the policy.

GUIDING PRINCIPLES

1. Everyone who is part of the Flin Flon Public Library community is entitled to an environment that is free of harassment and discrimination.
2. The Flin Flon Public Library is committed to meeting its legal and ethical obligations as a municipal library and an employer.

POLICY

1. Harassment committed by any member of, visitor to, or group within the Flin Flon Public Library community is strictly prohibited and will not be tolerated.

2. The Flin Flon Public Library will take timely and appropriate action to stop harassment when it occurs.
3. The Flin Flon Public Library will make every reasonable and practicable effort to ensure no member of the Flin Flon Public Library's community or other person entitled to access this policy is subjected to harassment and will take corrective action respecting any incidents of harassment that occur.
4. Anyone who feels they have been the subject of harassment may bring it to the Flin Flon Public Library's attention pursuant to the process outlined in the attached Appendix A "Making a Complaint Procedure" using Appendix B "Complaint Form".
5. The Flin Flon Public Library will not disclose the name of a complainant or an alleged harasser or the circumstances related to the complaint to any person except where disclosure is necessary for the purposes of investigating the complaint, taking corrective action with respect to the complaint, or disclosure is required by law.
6. Retaliation or reprisals against a person or persons making a complaint of harassment or against witnesses to a complaint of harassment are prohibited. Disciplinary action may be taken against any member of the Flin Flon Public Library community engaging in this behaviour.
7. Disciplinary action may be taken against any member of the Flin Flon Public Library community who makes an allegation of harassment in bad faith.
8. When appropriate, the Flin Flon Public Library will implement informal resolutions to complaints of harassment.
9. When appropriate, the Flin Flon Public Library will implement formal resolutions including disciplinary action to deal with individuals who engage in harassing behaviours.
10. The Flin Flon Public Library will educate members of the Flin Flon Public Library community to the benefits of a learning and work environment free of harassment, about their role in the creation and maintenance of such an environment, and of their rights and obligations under this policy.
11. The Flin Flon Public Library will advise both the complainant and alleged harasser in writing of the outcome of an investigation.

OTHER LEGAL RIGHTS AND OPTIONS FOR COMPLAINANTS

1. Nothing in this policy prevents or discourages anyone from filing a complaint of harassment with the Manitoba Human Rights Commission under Manitoba's Human Rights Code or to retaining the right to exercise any other legal avenues available.

2. This policy is not intended to discourage or prevent a complainant from exercising any other legal rights members of the Flin Flon Public Library community may have pursuant to any other law.

DEFINITIONS

Complainant

Any person(s) or group(s), including the Flin Flon Public Library, who pursuant to this policy alleges they are or have been subjected to harassment or who alleges another member of the Flin Flon Public Library community is or has been subjected to harassment.

Harassment

Harassment is defined in Manitoba's Human Right Code and this policy, as:

- a.) a course of abusive and unwelcome conduct or comment undertaken or made on the basis of any of the following characteristics:
- ancestry, including colour and perceived race;
 - nationality or national origin;
 - ethnic background or origin;
 - religion or creed, or religious belief, religious association or religious activity;
 - age;
 - sex, including sex-determined characteristics or circumstances, such as pregnancy, the possibility of pregnancy, or circumstances related to pregnancy;
 - gender identity;
 - sexual orientation;
 - marital or family status;
 - source of income;
 - political belief, political association or political activity;
 - physical or mental disability or related characteristics or circumstances, including reliance on a service animal, a wheelchair, or any other remedial appliance or device;
 - social disadvantage.
- b.) a series of objectionable and unwelcome sexual solicitations or advances; or
- c.) a sexual solicitation or advance made by a person who is in a position to confer any benefit on, or deny any benefit to, the recipient of the solicitation or advance, if the person making the solicitation or advance knows or ought reasonably to know that it is unwelcome; or
- d.) a reprisal or threat of reprisal for rejecting a sexual solicitation or advance.

Harassment involves repeated conduct, comments, displays, actions or gestures, or a single, serious occurrence of conduct, or a single, serious comment, display, action or gesture, that has a lasting, harmful effect on the individual.

Harassment can involve words, actions, or pictures such as:

- derogatory jokes, comments, or teasing;
- insults, taunting or slurs about race, colour, disability, sex, or sexual orientation;
- verbal abuse such as continued name calling, swearing or yelling;
- display or circulation of derogatory materials, pictures, or objects that demean the recipient;
- verbal or physical intimidation or threats; or
- practical jokes causing awkwardness or embarrassment.

Harassment includes sexual harassment. Unwelcome conduct of a sexual nature constitutes sexual harassment when:

- submission to, or rejection of, such conduct is implicitly or explicitly made a term of condition of an individual's employment or academic status, or
- such conduct is used as a basis for making decisions relating to an individual's employment or academic status or welfare as an employee or student, or
- the unwanted, sexually oriented remarks, behaviours or communications create a hostile, intimidating environment for working or learning.

Harassment **does not** include any reasonable action that is taken by an administrator, manager, or supervisor, relating to the management and direction of volunteers and employees or affecting Library safety and security.

Procedural Fairness

Procedural Fairness includes the right to a fair process (i.e., being made aware of the complaint and having the opportunity to be heard), the right to an unbiased decision, and the right to know the reason(s) for the decision. A complainant and alleged respondent both have the right to have a support person present at any stage of the process.

Respondent

Any person(s) or group(s), including the Flin Flon Public Library, against whom an allegation of harassment has been made pursuant to this policy.

APPLICABLE LEGISLATION OR REGULATIONS

The Manitoba Human Rights Code

TAKING ACTION TO STOP AND PREVENT HARASSMENT

In taking action to stop harassment and prevent its reoccurrence, The Flin Flon Public Library will be guided by the following:

Individual Awareness and Counselling

People may not be aware of the effects of their behaviour. In many cases, speaking to the person in private about the inappropriate behavior will help resolve a situation.

In certain instances, it may be more effective for a supervisor to speak with the offending person or to arrange and facilitate a meeting between the complainant and alleged harasser.

Complainants should not be encouraged to confront the alleged harasser if they are reluctant, if the alleged harassment is of a serious nature, or if the alleged harasser denies the alleged conduct.

Staff Awareness and Counselling

Standards of behaviour change over the years. Some individuals or groups may not be aware behaviour that was acceptable in the past, is not acceptable anymore. A staff awareness session may be helpful to correct problems based on lack of awareness. Relevant videos, lectures, and facilitated group discussions may increase awareness of behaviours that are unacceptable and the reasons for the changes.

Interim Action

When the Library Administrator has grounds to believe a complainant will be exposed to continued harassment or reprisal while waiting for the investigation or resolution process to occur, the Library Administrator must take immediate action to protect the complainant from continued harassment or reprisal. Any interim action should respect the alleged harasser's rights.

Considering the above-mentioned rights, the Library Administrator's action may include:

- cautioning the alleged harasser about the types of behaviour that will not be tolerated; and/or
- suspending the alleged harasser with pay while waiting for a final determination.

Mediation

Mediation offers both parties the opportunity to develop an understanding of the problem and resolve the complaint before or during the formal investigation process. The mediator facilitates separate discussions or joint meetings between the complainant and the alleged harasser.

Mediation may take place at any point in the resolution process as long as both parties agree to participate. Where the complainant and alleged harasser agree to participate in mediation, the Flin Flon Public Library shall arrange for a mediator who is trained and independent.

Disciplinary Action of Employees

An employee who has knowingly engaged or participated in harassment will be disciplined. The discipline will be subject to the employee's rights under the employment contract. Discipline may include reprimand, demotion, suspension, or termination of employment.

The severity of discipline will depend on:

Seriousness of the Alleged Conduct

- whether the conduct is an offence under the criminal code;
- whether the conduct is an offence under The Manitoba Human Rights Code;
- the extent of the mental or physical injury caused to the complainant;
- whether the harasser persisted in behaviour that was known to be offensive to the complainant; or
- whether the harasser abused a position of authority.

Risk of the Harasser Continuing with Similar Harassment of the Complainant or Others

- whether the harasser acknowledges that conduct was unacceptable and makes a commitment to refrain from future harassment;
- whether the harasser has apologized to the complainant or taken action to repair any harm; or
- whether the harasser has agreed to participate in awareness sessions, training or other recommended counselling or treatment.

THIRD-PARTY HARASSERS

Patrons and contractors or their workers and others invited to the workplace could harass an employee and the Flin Flon Public Library may have limited ability to investigate or control their conduct. However, The Flin Flon Public Library shall take reasonable and practical action to stop or reduce the risk to its workers of being harassed by third parties.

This action may include:

- posting the harassment policy in a location visible to third parties; and
- requiring certain contractors and their workers to accept and meet the terms of the harassment policy; and
- removing and/or temporarily/permanently banning a third-party who participates in harassment.

Where a patron, contractor working at the Library and others invited to the workplace has been asked to stop abusing or harassing a worker and does not, workers are authorized to:

- end telephone conversations;
- politely decline to provide service; and
- ask the harasser to leave the workplace.

When an incident involving a third-party harasser occurs, the Library Administrator has the authority to temporarily ban the third-party from entering the Library's facilities.

The Flin Flon Library Board will be advised by the Library Administrator of all instances of third-party harassment and board members, by a majority vote, will determine whether temporary bans become permanent.

Prior to a temporary ban becoming permanent, third-party harassers have the right to provide, by registered letter to the attention of the Flin Flon Library Board, their rationale for why they believe the temporary ban should not be permanent.

As there is no internal appeal process once a temporary ban has become permanent, all third-parties have the right to file a complaint with the Manitoba Human Rights Commission under Manitoba's Human Rights Code or to retain the right to exercise any other legal avenues available.

MALICIOUS COMPLAINTS

Where an investigation finds a complainant has knowingly made a false allegation, the complainant will be subject to appropriate discipline.



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APPENDIX A

Complaint Procedures

This procedure sets out three types of complaint procedures that may be used following instances of harassment.

1. No alleged Harasser Named and Information Resolution Sought

Step 1: An individual reports an incident or concern to the Library Administrator*.

Step 2: The Library Administrator* reviews the procedures with the complainant.

Step 3: The Library Administrator* takes action to address the complaint. Such action may include:

- Having staff meetings to discuss and review the policy; or
- Providing workshops or resource material on the prevention of harassment such as videos, brochures, and guides.

Step 4: The Library Administrator* informs the complainant of the action that will be taken to address the concern.

Confidentiality: The Flin Flon Public Library, or anyone acting on behalf of the Library, should not disclose the complainant's name or other identifying information to any person. However, in certain circumstances, the complainant may agree to release identifying information to implement the harassment policy, the resolution process or the resolution itself.

*When it is alleged the Library Administrator is involved in the harassment, the Chairperson of the Flin Flon Library Board will take on the role of the Library Administrator with assistance from the Vice-Chairperson of the Flin Flon Library Board.

2. Alleged Harasser Named - Informal Resolution or Mediation Sought

Step 1: A complainant reports an incident or concern in writing using the harassment complaint form attached to this procedure.

Where an informal resolution is sought, the complainant should indicate the type of resolution sought (e.g., apology, supervisor counselling, facilitated meeting with the alleged harasser, workshops, or training sessions and mediation).

- Step 2: The Library Administrator* reviews the procedures with the complainant. The Library Administrator* will also meet privately with the alleged harasser to review the complaint and determine whether there is agreement on a resolution or resolution process.
- Step 3: Where there is agreement on the resolution or resolution process, the Library Administrator* facilitates the agreed upon resolution or process.
- Step 4: The complainant is informed a formal complaint procedure is possible if the complainant, the alleged harasser, or the Library Administrator* do not agree, or if the process does not resolve the matter to the complainant's satisfaction.
- Step 5: Where the complainant and alleged harasser agree to a resolution, the Library Administrator* follows up with the complainant to ensure the resolution was effective in stopping and preventing further harassment. Where the complainant indicates the harassment has not ended, the Library Administrator* will counsel the complainant to pursue an alternate resolution process, including a formal investigation.

Confidentiality: The Flin Flon Public Library, or anyone acting on behalf of the Library, should not disclose the complainant's name or other identifying information to any person. However, in certain circumstances, the complainant may agree to release identifying information to implement the harassment policy, the resolution process, or the resolution itself.

*When it is alleged the Library Administrator is involved in the harassment, the Chairperson of the Flin Flon Library Board will take on the role of the Library Administrator with assistance from the Vice-Chairperson of the Flin Flon Library Board.

3. Alleged Harasser Named - Investigation Required

- Step 1: A complainant reports an incident or concern in writing using the harassment complaint form attached to this procedure.
- Step 2: The Library Administrator* receives the written complaint and reviews the procedures with the complainant. The Library Administrator* will meet privately with the alleged harasser to review the complaint, will provide a copy of the written complaint to the alleged harasser, and will review the procedures with the alleged harasser.

Step 3: The Library Administrator* and the Chairperson of the Flin Flon Library Board will review the complaint together to determine whether conduct falls within the harassment policy; whether, other than an investigation, there are appropriate resolution options acceptable to the complainant and the alleged harasser; and will conduct the investigation if one is required.

Step 4: When an investigation is required, the Library Administrator* appoints an investigator or investigation team.

Investigators will be trained in conducting an investigation in accordance with this policy and will have no apparent bias or interest in the outcome. Alternatively, the investigator will be chosen from a list of investigators approved by the Library Administrator*.

Where the complainant or the alleged harasser objects to the appointment of an investigator, based on bias or conflict of interest, the Library Administrator* will appoint another investigator.

Step 5: Investigators must act in accordance with the following guidelines:

- The investigation commences and concludes as soon as reasonably possible.
- Witnesses are interviewed separately, and written witness statements are prepared.
- Witnesses are advised to keep the investigation and the identity of the complainant and alleged harasser in confidence, unless required by law to disclose them.
- The complainant and alleged harasser are entitled to legal counsel.
- During the investigation, both the complainant and the alleged harasser are entitled to be informed of all the allegations and allowed to respond. Note that this does not mean either party is entitled to see or receive copies of the complete statements but are entitled to see or receive an adequate summary of the evidence to make a full response.

Step 6: Once the investigation is complete, the investigator(s) will prepare a written report setting out a summary of the evidence, a description of any conflict in the evidence, conclusions and reasons for reaching those conclusions, and the recommended corrective action if it is determined that harassment has occurred.

The report will be delivered to Library Administrator*, the complainant, and the alleged harasser. The report is to be marked confidential and delivered with the notation that it is to be kept in confidence unless disclosure is required by law or is necessary to implement corrective action.

Step 7: The Library Administrator* will then:

- Take appropriate corrective action.
- Inform the complainant and harasser of the corrective action. Note: Where the corrective action is different from the action recommended in the report, the Library Administrator* should provide reasons for not taking the investigators' recommended action(s).
- Inform the complainant of the rights to file a complaint with the Manitoba Human Rights Commission.

Step 8: After correction action has been taken, the Library Administrator* will follow up with the complainant to ensure that the corrective action was effective. If the complainant indicates harassment has not ended, or suffers reprisal(s), the Library Administrator* should take additional or alternative corrective action including the possibility of further investigation.

Confidentiality: The Flin Flon Public Library, or anyone acting on behalf of the Library, should not disclose the complainant's name or other identifying information to any person. However, in certain circumstances, the complainant may agree to release identifying information to implement the harassment policy, the resolution process, or the resolution itself.

All documents and statement obtained during the investigation, including the names and copies of witness statements, should be not disclosed to any person unless required by law.

*When it is alleged the Library Administrator is involved in the harassment, the Chairperson of the Flin Flon Library Board will take on the role of the Library Administrator with assistance from the Vice-Chairperson of the Flin Flon Library Board.



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APPENDIX B

Complaint Form

Complainant Information

Name _____ Phone Number _____

Other Contact Information _____

Witness Information

List names of possible witnesses

Name	Position	Contact Information

Information about the individual(s) you feel has/have harassed you:

Name of person(s) against whom this complaint is made:

Date of Incident (dd/mm/yyyy) _____

In your opinion is the harassment based on any of the following?

Check the boxes that apply to your situation:

<input type="checkbox"/>	ancestry, including colour and perceived race
<input type="checkbox"/>	nationality or national origin
<input type="checkbox"/>	ethnic background or origin
<input type="checkbox"/>	religion or creed, or religious belief, religious association or religious activity
<input type="checkbox"/>	age
<input type="checkbox"/>	sex, including sex-determined characteristics or circumstances, such as pregnancy, the possibility of pregnancy, or circumstances related to pregnancy
<input type="checkbox"/>	gender identity
<input type="checkbox"/>	sexual orientation
<input type="checkbox"/>	marital or family status
<input type="checkbox"/>	source of income
<input type="checkbox"/>	political belief, political association, or political activity
<input type="checkbox"/>	physical or mental disability or related characteristics or circumstances, including reliance on a service animal, a wheelchair, or any other remedial appliance or device; or social disadvantage

If not based on any of the above grounds, is the harassment based on either of the following:

- a.) Repeated conduct, comments, displays, actions or gestures that have caused you to be humiliated or intimidated Yes No
or
- b.) A single, serious occurrence of conduct, or a single, serious comment, display, action or gesture, that has a lasting, harmful effect on the you Yes No

In your own words, describe the conduct, comments, or display you found objectionable. Give details of date and location of the incident(s) that is/are the basis of your complaint (please use additional sheets if more space is required).

What type of resolution do you seek? For example, Library Administrator to direct or counsel person to correct conduct, facilitated meeting with alleged harasser, apology, workshops or training sessions, mediations, banning of third-party, or other (please use additional sheets if more space is required).

DECLARATION

I hereby confirm the statement(s) contained in this complaint are true to the best of my knowledge. I understand a copy of this complaint will be provided to the alleged harasser for the purpose of investigating this complaint.

Signature _____ Date (dd/mm/yyyy) _____

I acknowledge receipt of this complaint.

Library Administrator's Signature _____ Date (dd/mm/yyyy) _____