

APPENDIX A - Policy PER-13

Gravenhurst Public Library

Procedure for Investigating and Resolving Harassment and Discrimination Complaints



1. Informal Procedure

If an employee believes that they are being harassed or discriminated against, the first thing to do is to tell the offending person to stop. The employee needs to do so as soon as they receive any unwelcome comments or conduct. Although this may be difficult to do, telling the offending person that they do not like their actions is often enough to stop the behaviour.

Some of the things the employee can say that might stop the behaviour include:

- "I don't want you to do that."
- "Please stop doing or saying..."
- "It makes me uncomfortable when you ..."
- "I don't find it funny when you ..."

If the harassment continues after the employee has confronted the offending individual, the employee should keep a written record of the situation. The written record should include specific details of the behaviours they consider to be harassing, their request to the harasser to stop and their expectations that he or she will stop. It should also include details of the next steps that they plan to take if the harassment does not stop, such as filing a formal complaint. A copy of this statement needs to be kept by the employee. An employee may request assistance in preparing their written statement.

If the employee believes that someone who is not a member of the Employer, such as a library patron, volunteer, contractor etc., has harassed or discriminated against them, the employee should report the harassment to the CEO/Chief Librarian. Although the CEO/Chief Librarian has limited control over third parties, the CEO/Chief Librarian will do their utmost to address the issue and prevent further problems from arising.

2. Formal Procedure

If the complaint cannot be resolved informally, or if it is too serious to handle on an informal basis, the employee may bring a formal complaint to the CEO/Chief Librarian.

If the employee brings a formal complaint forward, the CEO/Chief Librarian will need as much written information as possible, including the name of the person they believe is harassing them, the place, date and time of the incident(s), and the names of any possible witnesses. A copy of the *Workplace Harassment and Discrimination and/or Violence Incident Report form (Appendix B)* is available from the CEO/Chief Librarian.

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It is important that the CEO/Chief Librarian receives the employee complaint as soon as possible so that the problem does not escalate or reoccur. Once the complaint is received, the CEO/Chief Librarian will initiate a formal investigation if it is necessary and appropriate to do so.

Discrimination and harassment are serious matters. Therefore, if the employee decides not to make a formal complaint, the CEO/Chief Librarian may still need to investigate the matter and take steps to prevent further harassment. For example, the CEO/Chief Librarian may need to continue with an investigation if the allegations are serious or if there have been previous complaints or incidents involving the respondent.

It is the Library Board's policy not to investigate anonymous complaints unless there are extenuating circumstances.

3. Investigation Procedure

The CEO/Chief Librarian will commence an investigation as quickly as possible. An external investigator may be used to assist with the investigation, depending on the nature of the complaint. The investigation will include:

- interviewing the complainant and respondent to ascertain all of the facts and circumstances relevant to the complaint, including dates and locations
- interviewing any witnesses
- reviewing any related documentation; and
- making detailed notes of the investigation and maintaining them in a confidential file

Once the investigation is complete, the investigator(s) will prepare a detailed report of the findings to the Library Board. A summary of the findings will also be provided to the complainant and the respondent.

It is the CEO/Chief Librarian's responsibility to complete any investigation and communicate the results to the complainant, the respondent and the Joint Occupational Health and Safety Representative within thirty days after receipt of a complaint, where possible.

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4. Corrective Action

The CEO/Chief Librarian will determine what action should be taken, as a result of the investigation.

He/she will also inform the complainant and respondent of the results of the investigation and whether (but not necessarily what) corrective measures were taken, if any were necessary.

If a finding of harassment is made, the Employer will take appropriate corrective measures, regardless of the respondent's seniority or position with the Employer.

Corrective measures may include one or more of the following:

- discipline, such as a verbal warning, written warning or suspension without pay
- termination with or without cause
- referral for counseling (sensitivity training), anger management training, supervisory skills training or attendance at educational programs on workplace respect
- a demotion or denial of a promotion
- financial penalties such as the denial of a performance related salary increase,
- any other disciplinary action deemed appropriate under the circumstances.

If there is not enough evidence to substantiate the complaint, corrective measures will not be taken.

If an employee makes a complaint in good faith and without malice, regardless of the outcome of the investigation, they will not be subject to any form of discipline. The CEO/Chief Librarian will, however, discipline or terminate anyone who brings forward a false and malicious complaint.