

## MANAGEMENT REPORT

Date: February 20, 2025  
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Meeting Date: February 26, 2025

TO: Library Board

FROM: Ziming Yang, Chair, SFHR Committee

**SUBJECT: Respect in the Workplace Policy**

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### **SUMMARY**

This report recommends that two Board policies, Respectful Workplace and Human Rights & Harassment, be replaced by a new Administrative policy – Respect in the Workplace.

### **PURPOSE**

This report is for decision.

### **RECOMMENDATIONS**

That the Board rescind two current Board policies - Respectful Workplace (POLICY CODE: VPL-BD-HR-008-2016) and Human Rights & Harassment (POLICY CODE: VPL-BD-HR-004-2016), and direct staff to create an administrative policy - Respect in the Workplace.

### **COMMITTEE DISCUSSION**

Trustees asked if the administrative policy closely resembles the City's policy, and staff confirmed that the VPL policy mirrors the City policy with adjustments to reflect VPL terminology, departments, and positions. Staff also confirmed that the administrative policy will be posted in the VPL website.

Trustees discussed and agreed that procedures can be used to determine whether certain behaviours are appropriate or disrespectful rather than providing a list, understanding that these behaviours will be subject to investigation.

Staff confirmed that any subsequent changes to the administrative policy would not be brought back to the Board as they would be considered operational.

## **POLICY**

VPL's Policy Management Framework was approved by the Board in June 2020. Its purpose is to guide VPL's management team in the development and ongoing maintenance of its policies. It outlines two main policy categories: Board and Administrative:

- **Board policies** establish the strategic direction of the Library, determine the delegation of responsibility, define the Board's relationship with the Chief Librarian & CEO, and establish the Board's rules of conduct, roles, due diligence, etc. They provide high level direction, defining the scope and limits within which the library operates. They are foundational in that they advance the vision, mission, values and strategic direction of the Library.
- **Administrative policies** focus on responsibilities of management, including business operations and day-to-day management of services, personnel and facilities. They are usually accompanied by detailed procedures. They may provide further detail to Board policies or stand alone as an independent policy. Administrative policies are approved by the VPL Directors Group<sup>1</sup>, unless otherwise determined by the Chief Librarian & CEO.

## **STRATEGIC IMPLICATIONS**

As the overarching document guiding VPL's activities, the VPL 2020 – 2023 Strategic Plan includes goals that support staff, in particular those within Strategic Priority 4: Organizational Strength:

4.1 Ensure VPL staff have the support and resources to adapt to a transformed work environment

4.2 Foster an inclusive workplace that reflects the diversity of our community

One of the ways that we seek to accomplish this is to learn from the City of Vancouver's Equity, Diversity and Inclusion framework. The updated policy reflects changes made to create a workplace where every person is treated with dignity and respect. This policy outlines mechanisms to support staff in working with the public and each other.

## **INDIGENOUS CONSIDERATIONS**

VPL supports its Indigenous staff to have access to culturally appropriate processes. Some of the restoration processes included in this policy's procedures reflect Indigenous practices for repairing harm and supporting healing, and VPL is committed to learning about and ensuring a constructive and respectful understanding of these Indigenous practices. This policy also

recognizes the value an Elder can provide to Indigenous staff when participating in investigation processes. VPL’s commitment to these processes aligns with its Strategic Plan goal 3.2 “Enhance understanding and appreciation of Indigenous ways of knowing, being and doing” and goal 2.3 of its Indigenous Rights & Reconciliation Strategy “Provide a culturally safe environment both internally (among VPL staff and Trustees) and externally (for partners, patrons, and community) in which to address harms and support the safety and wellbeing of Indigenous communities.”

## **BACKGROUND**

VPL’s Respectful Workplace and Human Rights & Harassment policies were approved by the VPL Board in November 2011 and last updated in 2016, aligning with the City of Vancouver’s similar policies. Since then, Vancouver City Council rescinded the Respectful Workplace and Human Rights & Harassment policies and directed City staff to develop an Administrative policy: Respect in the Workplace. The policy proposed for VPL mirrors this update, and is also recommended to be an Administrative policy, as it applies to staff and operations.

## **DISCUSSION**

The new Respect in the Workplace Administrative policy combines the previous Respectful Workplace policy and the Human Rights & Harassment policy and includes the concept of restorative processes. This consolidation and update formalizes processes that have been introduced by the City and VPL over the past number of years. The intent is to provide a variety of alternatives to investigations, or as a complement to investigations, designed to address interpersonal conflicts rather than breaches of policy.

Appendix A provides the policies recommended for rescission. The draft Respectful Workplace Administrative Policy is provided in Appendix B.

## **FINANCIAL IMPLICATIONS**

There are no financial implications of these rescissions.

# APPENDIX A

## BOARD POLICY

|   |  |
|---|--|
| <b>SUBJECT:</b> Respectful Workplace Policy |  |
| <b>CATEGORY:</b> Human Resources            | <b>POLICY CODE:</b> VPL-BD-HR-008-2016 |

### Objective

The Vancouver Public Library’s greatest resource is its people. It is essential to our business that staff is provided with, and contribute towards, a respectful workplace where the values of trust, fairness, integrity, consideration and dignity guide our interactions with one another. The Vancouver Public Library is committed to providing a work environment in which all individuals are treated with mutual respect and dignity. In our diverse and equitable workplace, the Library endeavours to ensure all employees have the opportunity to contribute fully to the Library’s mission, and that each employee’s unique contribution is respected.

While the Library’s “Human Rights and Harassment Policy” addresses harassment as prohibited by the BC Human Rights Code, this Policy deals specifically with disrespectful workplace behaviour. Disrespectful behaviour, commonly referred to as “personal harassment,” is not covered by human rights legislation.

The focus of this Policy is to ensure a respectful workplace, prevent disrespectful behaviour and outline guidelines to address disrespectful workplace behaviour should it occur.

### Scope

This Policy applies to all staff.

This Policy applies to the workplace itself, and to work-related events. It includes disrespectful behaviour involving Library employees that happens away from the workplace or after regular working hours, where those behaviours have a negative impact on the workplace.

Disrespectful behaviour towards employees by volunteers, members of the public, contractors, Board Trustees, and those doing business with the Library is not tolerated. The Library’s Security Manual specifically identifies abusive and/or harassing behaviours from the public and how such incidents are to be reported and handled. Where harassing behaviour impacts employees, it falls under this scope of this policy or the “Human Rights and Harassment Policy”.

## **Definitions**

**Respectful Workplace** is a work environment where individuals treat each other with respect at all times which includes:

- inclusion of people with different backgrounds, strengths and opinions;
- safety from disrespectful, bullying or intimidating behaviours;
- individual accountability for effective workplace relationships involving the constructive resolution of differences.

**Complainant** means the individual making a complaint that disrespectful behaviour has occurred.

**Disrespectful behaviour** is behaviour that:

- ought reasonably to be known or expected to be offensive, humiliating or intimidating;
- has a clear and demonstrably negative effect on the complainant;
- includes either words or actions and can consist of a single incident or a number of incidents.

Some examples of disrespectful behaviour as defined under this Policy include, but are not limited to:

- public ridicule or humiliation;
- verbal or written abuse or threats;
- insulting, derogatory or degrading comments, jokes or gestures;
- directing profanity or violent language at another employee;
- unjustifiable or deliberate interference with another's work or work sabotage;
- interference with or vandalizing personal property;
- bullying, which can be defined as offensive, malicious, intimidating, ostracizing, insulting or humiliating behaviour.

Some examples of conduct that are not considered disrespectful behaviour under this Policy include, but are not limited to:

- welcome, mutually consensual relationships or social invitations that do not involve inappropriate or offensive behaviours, intimidation, explicit or implicit threat of retaliation, or misuse of power;
- conduct that a reasonable person would find welcome or neutral;
- exercise of the Library's right to direct the workforce, including all aspects of supervising and managing such as giving appropriate and legitimate performance feedback, managing employee attendance, coaching, and discipline;
- disagreements or misunderstandings;
- conflicts or quarrels between co-workers unless they include disrespectful behaviours as outlined above.

**Bullying and Harassment** (WorkSafe BC policy definition):

- Bullying and Harassment (a) includes any inappropriate conduct or comment by a person towards a worker that the person knew or reasonably ought to have known would cause that worker to be humiliated or intimidated, but (b) excludes any reasonable action taken by an employer or supervisor relating to the management and direction of workers or the place of employment.
- The WorkSafeBC policy clarifies that a person includes any individual, whether or not they are a workplace party. This means that a person could be a workplace party such as an employer, supervisor, or co-worker, or a non-workplace party such as a member of the public, a client, or anyone a worker comes into contact with at the workplace.

**Respondent** means the individual alleged to have engaged in disrespectful behaviour.

## **Policy Statements**

### **1. General**

Library employees shall not be subjected to, and shall not subject another individual to, harassment as it is defined in this policy.

Bullying and harassment are not acceptable and will not be tolerated in the workplace.

### **2. Roles and Responsibilities**

#### **2.1 The Vancouver Public Library**

The Library has the primary responsibility to establish and maintain a work environment free of harassment as defined in this Policy. Employer responsibilities include:

- developing a policy statement with respect to workplace bullying and harassment and policies to address bullying and harassment and disrespectful behaviour in the workplace;
- taking steps to prevent and minimize workplace bullying and harassment and maintain a respectful workplace;
- developing and implementing procedures for workers to report incidents or complaints;
- developing and implementing procedures for investigating and dealing with incidents and complaints;
- informing workers of policies and procedures;
- training supervisors and workers on policies and procedures;
- ensuring there is an annual review of policies, procedures and training;
- not engaging in bullying and harassment and disrespectful behaviour and applying and complying with employer policies and procedures.

#### **2.2 Human Resources**

The responsibilities of Human Resources include to:

- ensure a fair, prompt and equitable process is followed;

- champion respectful workplace behaviours and practices;
- protect the privacy and confidentiality of all individuals involved;
- work with appropriate management staff to determine corrective action;
- where appropriate, facilitate joint involvement of management, union representatives and other staff to resolve issues.

### **2.3 Supervisory Staff**

All staff responsible for supervision have an essential role in preventing and resolving disrespectful behaviour issues. Staff who supervise are responsible not only for their own actions, but also for dealing with the actions of staff under their supervision.

Their primary responsibilities with respect to disrespectful behaviour are to:

- ensure staff is provided with information about and access to policies and procedures related to workplace behaviour;
- not engage in bullying and harassment or disrespectful behaviour;
- apply and comply with the employer's policies and procedures;
- model appropriate behaviour and monitor the workplace for incidents of bullying and harassment and disrespectful behaviour;
- intervene promptly and appropriately when they know, or ought reasonably to know, that workplace bullying and harassment or disrespectful behaviour is occurring;
- work cooperatively with Human Resources to resolve and remedy instances of workplace bullying and harassment and disrespectful behaviour;
- take steps to restore positive working relationships.

### **2.4 Employees**

All employees are a part of creating a respectful workplace and have a responsibility to refrain from disrespectful behaviours as defined in this Policy by:

- taking personal responsibility to maintain respectful working relationships and constructively resolve conflict;
- not engaging in bullying and harassment or disrespectful behaviour;
- reporting any observed or experienced bullying and harassment or disrespectful behaviour in the workplace;
- applying and complying with the employer's policies and procedures;
- seeking out support and assistance if required from their Supervisor, Manager, Human Resources Consultant, Union representative or other resource to effectively resolve workplace conflicts;
- co-operating with, and participating in, any related investigation process as required.

## **3. Complaint Resolution Procedures**

Complaints related directly to bullying and harassment based wholly or in part on a prohibited ground as identified in the BC Human Rights Code will be dealt with under this Human Rights and Harassment Policy.



Complaints related to bullying and harassment which are not wholly or in part based on a prohibited ground as identified in the BC Human Rights Code will be dealt with under the Respectful Workplace Policy.

### **3.1 Informal Resolution**

The Library strives to provide a wide range of options to resolve complaints informally. Informal resolution may include, but is not limited to, behavioural guidelines or agreements, apologies or other measures acceptable to both the Complainant and Respondent.

Informal resolution approaches may include:

- Discussing concerns directly with those involved if it is reasonable and safe to do so. Often the easiest way to stop disrespectful behaviour is to let those involved know that certain behaviours are disrespectful, unwelcome and inconsistent with Library policy.
- Requesting assistance from an appropriate party to assist in discussing concerns with those involved. An appropriate party could include a Supervisor, Manager, Director, Human Resource Consultant or Union representative.

A Human Resources Consultant or Manager may suggest interim measures to be taken during either the informal or formal processes.

### **3.2 Formal Resolution**

If a complaint cannot be resolved informally, a formal complaint may be made in writing by the Complainant to either the Human Resources Consultant supporting the Complainant's department, another Human Resources Consultant not directly involved in supporting the Complainant's department or the Director of Human Resources. Employees may seek the assistance of a Human Resources Consultant, Union representative or other colleague they feel comfortable in assisting them in writing a formal complaint. In the event the complaint is against a staff member of the Human Resources Department, the complaint is to be made in writing to the Chief Librarian.

As all staff have a responsibility in creating a respectful workplace, occurrences of disrespectful behaviour may be reported to Human Resources by another party such as a colleague or Manager.

The formal resolution process is initiated once a written complaint is received. Once a formal written complaint of disrespectful behaviour is made, Human Resources or the Chief Librarian will commence an investigation if appropriate and may recommend the engagement of an external party in the investigation process.

An investigation may be carried out by the Human Resources Consultant directly, assigned to management in the area affected, assigned to an investigative team, assigned to an independent third-party or re-directed to a more appropriate existing

process dependent upon the specific circumstances and seriousness of the allegation.

Formal resolution investigations cannot be carried out anonymously. The identity of the complainant and the allegations contained in the complaint will be made known to the individual(s) alleged to have engaged in disrespectful behaviour and they shall be provided an opportunity to respond to the allegations.

At the conclusion of the investigation, the investigator will document their findings and any recommendations for the resolution of the disrespectful behaviour. Human Resources will work with management to determine the appropriate action to be taken, communicate the decision to the Complainant and Respondent, identify follow-up actions to ensure the issue has been resolved and provide any additional support deemed necessary for the parties involved.

Should it be found that the disrespectful behaviour constitutes harassment as defined by the BC Human Rights Code, the investigation may involve the Equal Employment Office (EEO) as per the Human Rights and Harassment Policy.

Concerns about disrespectful behaviour should be raised as soon as reasonably possible to ensure disrespectful behaviour does not go unaddressed. It is recommended that staff bring forward concerns no longer than 6 (six) months from the time of the last alleged incident of disrespectful behaviour, although this does not preclude a complaint being raised at a later date.

### **3.3 False or Malicious Complaints**

If a Complaint is found to be false or brought for malicious purposes, the Library may take disciplinary measures against the Complainant, up to and including termination of employment. Consideration will be given to whether the complaint was filed based on a mistake and/or unsubstantiated information.

## **4. Retaliation**

Any form of retaliation or discrimination against an employee because that person initiated a complaint, or because that person acted as a witness or participated in a complaint resolution process will be considered a violation of this Policy. Retaliation may result in discipline up to and including termination of employment.

If an employee believes that they have been subjected to retaliation as set out above, that person may submit a written complaint to the Chief Librarian who will review the complaint with the Director, Human Resources, to ensure the allegation is appropriately addressed.

## **5. Consequences of Disrespectful Behaviour (Non-compliance Consequences)**

Engaging in disrespectful behaviours or retaliation may result in disciplinary action up to and including termination of employment. Repeated instances of disrespectful behaviour will be considered as one of the factors in determining the appropriate level of

disciplinary action. Disrespectful behaviour does not need to be intentional although intention may be relevant in assessing the severity of the behaviour.

It is understood that unionized employees may grieve any disciplinary action under the applicable collective agreement.

## **6. Confidentiality**

Information collected and retained by Human Resources during the course of an investigation process is treated as confidential. During the investigation process, Human Resources will limit disclosure of investigation-related information to that which is necessary to resolve the complaint.

Files related to an investigation under this policy will be maintained separately from employee personnel files.

Files will be retained in accordance with the Library's file retention schedule. Information collected and retained by Human Resources may be required to be released by law including release required in court proceedings, arbitration or other legal proceedings.

## **7. Collective Agreements and Legislation**

In the event that any portion of this Policy is inconsistent with the Library Collective Agreement or federal or provincial legislation, that portion and only that portion of the Policy shall have no application to the extent of that inconsistency. All other portions of the Policy shall continue in full force and effect.

### **Policy Administration Roles and Responsibilities**

|                                   |   |
|-----------------------------------|---|
| <b>Director, Human Resources:</b> | Oversees and updates the policy as required.                    |
| <b>SFHR Committee:</b>            | Reviews policy as required and recommends changes to the Board. |
| <b>Board:</b>                     | Approves policy and content revisions to the policy.            |
| <b>Chief Librarian:</b>           | Administers the policy.   |

### **Related Policies:**

- Code of Conduct (Board Policy)
- Human Rights & Harassment (Board Policy)
- Whistleblowing (Board Policy)

**Approval history – Board**

|                     |                        |                     |                        |              |                   |                           |
|---------------------|------------------------|---------------------|------------------------|--------------|-------------------|---------------------------|
| <b>ISSUED BY:</b>   | <b>Library Board</b>   | <b>APPROVED BY:</b> | <b>Library Board</b>   | <b>DATE:</b> | <b>2011/11/28</b> |                           |
| <b>REVISION BY:</b> | <b>Library Board</b>   | <b>APPROVED BY:</b> | <b>Library Board</b>   | <b>DATE:</b> | <b>2015/11/25</b> |                           |
| <b>REVISION BY:</b> | <b>Directors Group</b> | <b>APPROVED BY:</b> | <b>Directors Group</b> | <b>DATE:</b> | <b>2016/02/04</b> | <b>FORMAT UPDATE ONLY</b> |

|                             |                   |                      |                |
|-----------------------------|-------------------|----------------------|----------------|
| <b>DATE OF NEXT REVIEW:</b> | <b>2021/02/04</b> | <b>REVIEW CYCLE:</b> | <b>5 Years</b> |
|-----------------------------|-------------------|----------------------|----------------|

## BOARD POLICY

|   |  |
|---|--|
| <b>SUBJECT: Human Rights and Harassment</b> |  |
| <b>CATEGORY: Human Resources</b>            | <b>POLICY CODE: VPL-BD-HR-004-2016</b> |

### **Objective**

The Vancouver Public Library is committed to providing a work environment in which all individuals are treated with mutual respect and dignity.

The Library also recognizes that employees have the right to work in an environment that is free from harassment as prohibited by the BC Human Rights Code.

This Policy sets out guidelines for the reporting, investigating and resolving of complaints of harassment in an effort to ensure a respectful workplace for everyone.

### **Scope**

This Policy applies to all staff.

This Policy applies to the workplace itself, and to work-related events. It includes harassment involving Library employees that happens away from the workplace or after regular working hours, where the harassment has a negative impact on the workplace. Harassment of employees by volunteers, members of the public, contractors, Board Trustees, and those doing business with the Library is not tolerated. Where harassing behaviour impacts employees, it falls under the scope of the policy or the Respectful Workplace policy.

### **Definitions**

#### **Harassment**

Harassment is a form of discrimination, and is prohibited by the BC Human Rights Code. Harassment includes behaviour that a reasonable person would find unwelcome, has a negative impact on the workplace, and is related to any of the characteristics which are listed as prohibited grounds of discrimination in the BC Human Rights Code, namely:

## **The “Prohibited Grounds”**

- Age
- Ancestry
- Colour
- Criminal or summary conviction offence that is unrelated to employment
- Family Status
- Marital Status
- Physical or Mental Disability
- Place of Origin
- Political belief
- Race
- Religion
- Sex
- Sexual Orientation
- Gender identity or expression

Harassment can, depending on the seriousness of the behaviour, consist of a single incident or a number of incidents. It can be directed at one person, or it can involve a number of individuals.

Behaviour does not need to be intentional in order to be considered harassment, although intention may be relevant in assessing the severity of the behaviour. Some examples of harassment include, but are not limited to:

- unwelcome, offensive remarks, jokes, slurs, or innuendo related to any of the Prohibited Grounds;
- unwelcome, offensive behaviour related to gender identity, gender expression or perceptions of sexual orientation or gender;
- displaying or distributing derogatory or offensive pictures, graffiti or other materials related to any of the Prohibited Grounds, including but not limited to racist, sexist, or homophobic materials;
- refusing to interact or communicate with persons because of any of the Prohibited Grounds;
- unwelcome, offensive communications related to a Prohibited Ground sent by any means, including email or other electronic transmission;
- unwelcome, offensive behaviour related to a Prohibited Ground, where tolerance of the behaviour is explicitly or implicitly made a term of employment or a consideration in job-related decisions;
- unwelcome, offensive behaviour related to a Prohibited Ground that creates an intimidating, hostile, offensive or poisoned workplace environment;
- unwelcome, offensive comments that are sexual in nature;
- unwelcome, physical contact, such as touching, patting or pinching.

Harassment under this Policy does not include conduct that a reasonable person would find welcome or neutral. This Policy is not intended to curtail welcome, appropriate workplace interaction. Some examples of conduct that is

not harassment include, but are not limited to:

- welcome, mutually consensual relationships or social invitations that do not involve inappropriate or offensive behaviours, intimidation, explicit or implicit threat of retaliation, or misuse of power;
- the exercise of the Library's right to direct the workforce, including supervising, managing and giving appropriate and legitimate performance feedback, coaching, and discipline;
- bona fide occupational requirements established by the Library as contemplated in section 13 subsections 3 and 4 of the BC Human Rights Code.

**Bullying and Harassment (WorkSafeBC policy definition):**

- Bullying and Harassment (a) includes any inappropriate conduct or comment by a person towards worker that the person knew or reasonably ought to have known would cause that worker to be humiliated or intimidated, but (b) excludes any reasonable action taken by an employer or supervisor relating to the management and direction of workers or the place of employment.
- The WorkSafeBC policy clarifies that a person includes any individual, whether or not they are a workplace party. This means that a person could be a workplace party such as an employer, supervisor, or co-worker, or a non-workplace party such as a member of the public, a client, or anyone a worker comes into contact with at the workplace.

## **Policy Statements**

### **1. General**

Library employees shall not be subjected to, and shall not subject another individual to, harassment as it is defined in this policy.

Bullying and harassment are not acceptable and will not be tolerated in the workplace.

### **2. Roles and Responsibilities**

#### **2.1 The Vancouver Public Library**

The Library has the primary responsibility to establish and maintain a work environment free of harassment as defined in this Policy. Employer responsibilities include:

- developing a policy statement with respect to workplace bullying and harassment and policies to address bullying and harassment in the workplace;
- taking steps to prevent and minimize workplace bullying and harassment;

- developing and implementing procedures for the reporting of incidents or complaints of bullying and harassment;
- developing and implementing procedures for investigating and dealing with incidents and complaints;
- informing workers of policies and procedures;
- training supervisors and workers on all policies and procedures;
- ensuring there is an annual review of policies, procedures and training;
- not engaging in bullying and harassment of workers and supervisors and applying and complying with the employer policies and procedures.

## **2.2 The Equal Employment Opportunity Program (“EEO”)**

EEO is mandated by the Board to oversee the Library’s Human Rights and Harassment Policy, and provides:

- informal and formal processes to address concerns of harassment;
- an accessible, impartial resource for all staff;
- education and support to all staff, including employees, supervisors, and managers, on preventing and addressing harassment.

## **2.3 Supervisory Staff**

All staff responsible for supervision have an essential role in preventing and resolving harassment issues. Their primary responsibilities with respect to harassment are:

- ensuring staff is provided with information about and access to policies and procedures related to harassment;
- not engaging in bullying and harassment of workers, other supervisors, the employer or persons acting on behalf of the employer;
- applying and complying with the employer's policies and procedures;
- modeling appropriate behaviour and monitoring the workplace for incidents of harassment;
- intervening promptly and appropriately when they know, or ought reasonably to know, that harassment is occurring.

## **2.4 Employees**

All employees are part of creating a harassment free workplace and have a responsibility to refrain from harassment as defined in this Policy by:

- taking personal responsibility to maintain respectful working relationships and constructively resolve conflict;
- not engaging in bullying and harassment of other workers, supervisors, the employer or persons acting on behalf of the employer;
- reporting any observed or experienced bullying and harassment in the workplace;
- applying and complying with the employer’s policies and procedures.



### **3. Harassment Complaint Procedures**

Complaints related directly to bullying and harassment based wholly or in part on a prohibited ground as identified in the BC Human Rights Code will be dealt with under this Human Rights and Harassment Policy. Complaints related to bullying and harassment which are not wholly or in part based on a prohibited ground as identified in the BC Human Rights Code will be dealt with under the Respectful Workplace Policy.

#### **3.1 General**

The Library's procedures for addressing harassment Complaints are designed to be flexible, timely and accessible. The Library provides both an informal and formal process to resolve harassment Complaints.

An individual who believes they are being harassed (the "Complainant") may consult an EEO Advisor, who can assess whether the Complaint falls under this Policy and discuss possible courses of action.

Staff represented by CUPE391 may also wish to contact the Union for assistance.

Concerns about harassment should be raised as soon as reasonably possible. The time limit for filing a Complaint under this Policy is 6 (six) months from the time of the last alleged incident of discrimination or harassment. Exceptions may be made in extenuating circumstances.

Some of the options available may include:

- the Complainant discussing their concerns directly with those involved;
- having an appropriate party assist the Complainant in discussing concerns with those involved. An appropriate party could include a supervisor, manager, director, human resource consultant, EEO advisor or union representative;
- initiating an "informal" or "formal" resolution process through EEO as outlined below.
- EEO may suggest interim measures to be taken during either the informal or formal processes.

#### **3.2 Informal Complaint Resolution**

The Library strives to provide a wide range of options to resolve Complaints. Informal Complaint resolution may include, but is not limited to: mediation, behavioural guidelines or agreements, apologies or other measures agreed to between the parties and the Chief Librarian or their delegate.

### **3.3 Formal Complaint Resolution**

If a Complaint is not resolved informally, or if an individual who believes they are experiencing harassment chooses, they may make a formal Complaint through EEO. Formal Complaints shall be made in writing to management or EEO. EEO will ensure that assistance in completing a written Complaint is provided, as required.

Formal Complaint investigations are conducted by EEO staff. A formal Complaint investigation is an impartial, fact-finding process. The investigators do not advocate on behalf of, or represent, any party involved in a Complaint.

Formal Complaint investigations cannot be carried out anonymously. The identity of the Complainant and the allegations contained in the Complaint shall be made known to the individual(s) alleged to have engaged in harassment (the "Respondent"). The Respondent shall be provided a full and fair opportunity to respond to the allegations contained in the Complaint. Likewise, the Complainant shall be provided with the response and shall have an opportunity to reply.

At any time during the course of the investigation, the matter may be resolved, so long as the resolution is agreed to by each of the parties and the Chief Librarian or their delegate.

Once the formal Complaint investigation is complete, the Complainant, Respondent and the Chief Librarian or their delegate shall be notified of the findings of the investigation.

### **3.4 Other Remedies**

None of the procedures described in this Policy prevent a person from pursuing other remedies, such as pursuing a grievance, where applicable, or filing a Complaint with the BC Human Rights Tribunal.

The investigation procedures outlined under this Policy may be suspended at the discretion of EEO until any other remedial processes have been concluded.

### **3.5 False or Malicious Complaints**

If a Complaint is found to be false or brought for malicious purposes, the Library may take disciplinary measures against the Complainant, up to and including termination of employment. However, a Complaint that is found to be unsubstantiated or based on mistake may not be considered false or malicious.

## **4. Retaliation**

### **4.1 General**

Retaliation also constitutes a form of discrimination under this Policy, and may form the basis of a separate Complaint.

### **4.2 Forms of Retaliation**

Any form of retaliation or discrimination against an employee because that person initiated a Complaint of harassment, or because that person acted as a witness or otherwise participated in an investigation, may be considered a violation of this Policy. Such action may result in discipline up to and including termination of employment.

### **4.3 Reporting Retaliation**

If an employee believes that they have been subjected to retaliation as set out above, that person may report it as outlined under Section 2 of this Policy.

## **5. Consequences of Harassment**

Engaging in harassment or retaliation is serious misconduct and may result in disciplinary action up to and including termination of employment.

It is understood that unionized employees may grieve any disciplinary action under the applicable collective agreement.

## **6. Confidentiality and Document Retention**

Information collected and retained by EEO during the course of an informal or formal harassment resolution process is treated as confidential. During the investigation process, EEO shall limit disclosure of Complaint-related information to that which is necessary to resolve the Complaint.

If, after investigation, a Complaint is not established, no documentation of the Complaint shall be placed on either of the parties' personnel files. However, documentation of the investigation shall be kept in a confidential file separate from the employee's personnel file and maintained by EEO in order to evidence the Library's proper investigation of formal Complaints of harassment. Documentation which outlines disciplinary action arising from an investigation shall be placed on an employee's personnel file.

Confidentiality extends to all records relating to Complaints, including but not limited to meetings, interviews and investigation results. Individuals making a Complaint, witnesses and individuals against whom a Complaint has been made are expected to maintain confidentiality. Personal information, including the identities of the Complainant(s) and Respondent(s), shall be

protected in accordance with the Freedom of Information and Protection of Privacy Act.

Information collected and retained by EEO may be required to be released by law including release required in court proceedings, arbitration or other legal proceedings.

## 7. Collective Agreements and Legislation

In the event that any portion of this Policy is inconsistent with the Library collective agreement or federal or provincial legislation, that portion and only that portion of the Policy shall have no application to the extent of that inconsistency. All other portions of the Policy shall continue in full force and effect.

### Policy Administration Roles and Responsibilities

|                                 |   |
|---------------------------------|---|
| <b>Human Resources Director</b> | Oversees and updates the policy as required.                    |
| <b>SFHR Committee</b>           | Reviews policy as required and recommends changes to the Board. |
| <b>Board</b>                    | Approves policy and revisions to the policy.                    |
| <b>Chief Librarian</b>          | Administers this policy.  |

### Related Policies:

- Code of Conduct (Board Policy)
- Respectful Workplace (Board Policy)
- Whistleblowing – Reporting, Investigation and Protection (Board Policy)

### Approval History – Board

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| <b>ISSUED BY:</b>  | <b>Library Board</b>   | <b>APPROVED BY:</b> | <b>Library Board</b>   | <b>DATE:</b> | <b>2011/11/02</b> |                           |
| <b>REVISED BY:</b> | <b>Library Board</b>   | <b>APPROVED BY:</b> | <b>Library Board</b>   | <b>DATE:</b> | <b>2015/11/25</b> |                           |
| <b>REVISED BY:</b> | <b>Directors Group</b> | <b>APPROVED BY:</b> | <b>Directors Group</b> | <b>DATE:</b> | <b>2016/01/28</b> | <b>FORMAT UPDATE ONLY</b> |
| <b>REVISED BY:</b> | <b>Library Board</b>   | <b>APPROVED BY:</b> | <b>Library Board</b>   | <b>DATE:</b> | <b>2016/09/28</b> |                           |

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| <b>DATE OF NEXT REVIEW</b> | <b>2021/01/28</b> | <b>REVIEW CYCLE</b> | <b>5 Years</b> |
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# APPENDIX B

|  |   |
|--|---|
| <b>SUBJECT: RESPECT IN THE WORKPLACE</b> |   |
| <b>CATEGORY: HUMAN RESOURCES</b>         | <b>POLICY CODE: VPL-DGR-HR-XXX-202X</b> |

## **Objective**

The purpose of this Policy is to support a work environment in which every person is treated with respect and dignity.

The Policy is a key vehicle in moving the Library towards an aspirational vision of a diverse workplace where:

- People are knowledgeable about, and attentive to the rights and needs of others, and actively participate in creating a culture of care.
- When, despite the above, harm happens in interactions, there is widespread capacity in the workplace to assist with repair, restoration of relationships and transformation of root causes; and
- Processes used to address harm are attentive to the rights and needs of all involved, and strive for fairness, timeliness, and care for the parties.

This Policy:

- reflects the Vancouver Public Library (“*the Library*”) values of diversity, respectful spaces and communication, staff development, and collaboration.;
- establishes expectations for behaviours that create and promote a respectful and harassment-free workplace;
- defines unacceptable behaviours; and
- outlines the Library’s responsibility as an employer to take all reasonable steps to promote respect, and prevent where possible, or otherwise investigate complaints of Harassment.

This Policy should be read in conjunction with its accompanying Procedure which describes the process by which allegations of Harassment are received and addressed by the Library.

## **Scope**

This Policy:

- applies to all Vancouver Public Library employees.
- describes expectations in situations where employees engage in behaviours towards, or are subject to behaviours by, any persons including employees, Board Trustees, volunteers, contractors, advisory body members, community partners, and members of the public.
- applies to behaviours in all Library workplaces, including:

- Library buildings, facilities, sites, offices, and remote work locations
  - locations visited by employees while on Library business
  - meetings, conferences and trainings attended by employees on behalf of the Library
  - work-related events, including employee sponsored social gatherings
  - online meetings, phone calls, emails, text messages, and social media channels connected with Library business; and/or
  - any other physical or digital space where Library business is conducted.
- may apply to behaviours that occur away from the workplace or after regular working hours between Library employees where those behaviours have a negative impact on the workplace.

This Policy does not apply to appropriate workplace interactions such as:

- welcome, consensual relationships or social invitations;
- conduct that a reasonable person would find welcome or neutral having regard to all circumstances;
- exercise of the Library's right to direct the workforce, such as supervising employees, managing attendance, giving performance feedback, coaching, investigation, and discipline;
- delivering information that a person finds unpleasant;
- enforcement of Library policies that a person may disagree with;
- raising a concern about another's behaviour, under this policy;
- raising a concern about Library policies and practices using appropriate channels; and
- disagreement, conflict, or critique when conducted respectfully.

## **Definitions**

**Employee** is:

- Anyone employed by the Library, including full-time, part-time, temporary, auxiliary or casual employees, unionized or exempt; and
- A "worker" with the Library as defined by the British Columbia [Workers Compensation Act](#).

**Supervisory Staff** are employees who lead, instruct, direct, and supervise other employees. This includes directors, managers, and supervisors who are exempt or unionized.

**Directors** are employees who are members of the Library's executive management team.

**Chief Librarian & CEO** is the Chief Librarian appointed by the Board pursuant to the *Library Act*.

**Good faith** refers to an honest and sincere intent.

**Harassment** is any conduct or comment by a person that the person knew or reasonably ought to have known would cause another person to be humiliated or intimidated and have a demonstrable negative impact on the workplace or individual.

It also includes harassment connected to the protected grounds under the B.C. Human Rights Code (i.e. based on Indigenous identity, race, colour, ancestry, place of origin, religion, family status, marital status, physical disability, mental disability, sex, age, sexual orientation, gender identity or expression, political belief, and conviction of a criminal or summary conviction offence unrelated to their employment).

Harassment may:

- consist of a single serious incident, though it is typically defined by repetition and persistence of inappropriate behaviours;
- be written, verbal, non-verbal, in-person or online;
- be directed towards one employee or a group of employees; and
- be intentional or unintentional, although intention is relevant in assessing the severity of any wrong-doing.

Not every unpleasant interaction in the workplace amounts to Harassment.

Some examples of Harassment include:

- abusive or threatening language, including profanity directed at another person;
- displaying or distributing derogatory or offensive pictures, graffiti or other materials;
- bullying, ridicule or humiliation;
- malicious rumours and gossip;
- shunning or malicious exclusion;
- interference with or vandalizing personal property;
- unjustifiable and deliberate interference with another's work or work sabotage;
- misuse or abuse of power or authority, including decisions based on factors unrelated to work;
- offensive comments, remarks, jokes, slurs or innuendo that belittle or ridicule a person's membership or perceived membership related to the BC Human Rights Code prohibited grounds;
- refusing to interact or communicate with someone because of their race, gender identity, ability, sexual orientation or another personal characteristic;
- imitating or mocking a person's accent, speech or mannerisms;
- unwanted or unwelcome sexual advances, requests, comments, or physical contact;
- negative consequences for refusing sexual advances, or promises of reward for agreeing to sexual advances;
- retaliation.

**Complainant** is the individual alleging that they have experienced Harassment.



**Respondent** is the individual alleged to have engaged in Harassment.

**Witness** is an individual who has observed Harassment or may have information that helps establish or refute an allegation of Harassment.

**Investigation** is the formal process of fact-finding, examination of evidence, and analysis by an investigator appointed by the Library. Investigation is the primary path by which the Library determines if a breach of this policy has taken place, and through which corrective action and discipline may be imposed.

**Restoration** refers to a range of processes that engage affected parties to focus on understanding harm and its root causes, repairing relationships, determining meaningful accountability, and may include putting in place agreements or structural changes that reduce the likelihood of harm occurring again in the future.

### **Indigenous Considerations**

VPL supports its Indigenous staff to have access to culturally appropriate processes. Some of the restoration processes included in this policy's procedures reflect Indigenous practices for repairing harm and supporting healing, and VPL is committed to learning about and ensuring a constructive and respectful understanding of these Indigenous practices. This policy also recognizes the value an Elder can provide to Indigenous staff when participating in investigation processes.

### **Policy Statements**

#### **1. General**

- 1.1.** Vancouver Public Library is committed to taking all reasonable steps to provide and maintain a Respectful Workplace.
- 1.2.** A Respectful Workplace is a work environment where people:
  - treat each other with respect and are treated with respect;
  - welcome and include those with diverse backgrounds, identities and lived experiences;
  - uphold human rights based on race, Indigeneity, colour, ancestry, place of origin, political belief, religion, marital or family status, ability, gender identity or expression, sex, sexual orientation, or age;
  - continue to learn about equity, diversity and inclusion and choose behaviours to reduce negative impacts on others; and
  - resolve conflicts constructively and take responsibility for effective workplace relationships
- 1.3.** Harassment is harmful to creating a Respectful Workplace. Harassment is unacceptable and not tolerated by the Library.

- 1.4. Allegations of Harassment against Library Employees are typically addressed through an investigation, and may be addressed through a restoration process if both complainant and respondent are willing to participate.
- 1.5. Library employees found to have engaged in Harassment may face corrective action (such as mandatory training or coaching) or discipline (such as a warning letter, temporary suspension without pay, or other) up to and including termination of employment.
- 1.6. There are other behaviours that do not on their own rise to the level of Harassment, but they lead to a person feeling disrespected or uncomfortable. Examples include one off incidents of careless or rude comments, unintentional stereotyping, interrupting or failing to acknowledge someone.

Given the diversity of the workplace, and the existence of multiple cultural norms governing behaviours, an understanding of what makes another person feel disrespected or uncomfortable may not be shared.

When a person feels disrespected or uncomfortable in the workplace as a result of another's action, their first step may be to address the issue directly with the other party. When that is not possible, the person is entitled to raise the concern and request support from their supervisor, or Human Resources. Typically, incidents that do not rise to the level of Harassment are addressed using restoration processes or other informal remedies.

## **2. Roles and Responsibilities**

**All Employees** are responsible for:

- reviewing and understanding this Policy and its accompanying Procedure;
- applying and complying with this Policy and its accompanying Procedures;
- modelling, promoting and engaging in Respectful Workplace behaviors and practices;
- not engaging in Harassment towards others;
- reporting Harassment observed or experienced in the workplace;
- taking personal responsibility to maintain respectful working relationships and constructively resolve conflicts;
- learning from mistakes and adjusting behaviours to help everyone feel respected and comfortable in the workplace;
- participating in restoration and investigation processes in good faith and as required; and
- abiding by the expectations for confidentiality and avoiding retaliation as outlined in this Policy.

The following individuals and groups have additional responsibilities in administering, implementing, and monitoring the Policy and carrying out restoration and investigation processes laid out in the Procedure section.

**Supervisory Staff** are responsible for:

- modelling respectful behaviours and continuous learning;
- participating in training and/or other learning opportunities on how to conduct investigations and assist in restoration processes;
- providing employees with information about expectations of behaviours under this policy;
- monitoring the workplace for incidents of Harassment;
- investigating complaints of Harassment with assistance from Human Resources (note: unionized supervisors are to bring complaints of Harassment to the attention of exempt supervisory staff in their reporting line)
- addressing conflicts promptly;
- bringing requests for restoration processes to the Director of Human Resources, and assisting with or participating in restoration processes as needed;
- recognizing and addressing retaliation;
- listening intently when a person has felt disrespected or uncomfortable, and working with relevant parties to restore an environment of respect and minimize discomfort in interpersonal interactions;
- implementing remedies and corrective actions as appropriate; and
- where possible, taking steps to restore positive working relationships.

**Human Resources** is responsible for:

- conducting investigations, or assisting supervisors in conducting investigations, or appointing an external resource to conduct investigations;
- providing education, coaching and support for employees, including supervisory staff, on preventing and addressing Harassment;
- providing employees information on options for addressing Harassment;
- working with appropriate supervisory staff to determine corrective actions;
- supporting measures to prevent retaliation against employees that raise concerns about Harassment;
- supporting measures to restore positive working relationships and a Respectful Workplace environment; and
- conducting the review and revision of the Respect in the Workplace Policy and its Procedure.

**The Director, Human Resources** is responsible for, as needed and on a case by case basis, identifying the appropriate internal or external resources to:

- design and conduct restoration processes, or assist supervisors in facilitating restoration processes;

- help to educate employees on equity-informed approaches to establishing and maintaining a Respectful Workplace;
- provide advisory support to supervisory staff and Human Resources on equity-informed options for addressing harm caused by workplace interactions.

**Library Directors** are responsible for:

- modelling and providing leadership in establishing and maintaining a Respectful Workplace;
- ensuring resource availability for proactive Respectful Workplace education and training opportunities;
- ensuring resource availability and effective implementation of restoration processes, investigations, corrective actions, and education and training; and
- ensuring that employees are held accountable for their responsibilities under this Policy.

**Chief Librarian & CEO** has ultimate responsibility for:

- taking all reasonable steps to establish and maintain a Respectful Workplace; and
- ensuring that all responsible parties are held accountable under this Policy.

### **3. Reporting Procedures**

Individuals wishing to file a complaint of Harassment should refer to this policy's accompanying Procedure section.

### **4. Malicious Complaints**

It is a violation of this Policy to make a malicious allegation of Harassment. Where the Library determines this occurred, appropriate corrective action and/or disciplinary action may be taken up to and including termination of employment.

Making an allegation of Harassment may be considered malicious when:

- It is not filed in good faith and is intended to harass the person named as respondent; and/or
- It is known to be false, untrue, contrived or calculated to deceive.

A misunderstanding, misinterpretation or unsubstantiated complaint does not constitute a violation of this Policy.

### **5. Retaliation**

Retaliation means any adverse action or threat of action directed at a person because they are or might be involved in making an allegation of Harassment under this policy. It is a violation of this policy to retaliate against another person for:

- filing a complaint in good faith;
- reporting possible Harassment one observes or becomes aware of in good faith;

- participating in an investigation or a restoration process;
- supporting someone to file a complaint; and/or
- carrying out their responsibilities under this Policy.

An employee who experiences retaliation can file a complaint under this Policy.

Where the Library determines retaliation occurred, appropriate corrective action and/or disciplinary action may be taken, up to and including termination of employment.

Exercising the Library's right to direct the workforce in good faith does not constitute retaliation.

## 6. Confidentiality

Confidentiality in investigation and restoration processes is critical to maintaining their integrity as well as fostering a Respectful Workplace. Sharing of information among parties to an investigation, including conversation among witnesses, can compromise the ability of the investigator to conduct accurate and rigorous fact finding, and can seriously undermine the interests of the parties involved. Confidentiality extends to all information provided orally or in writing, meetings, investigation results and summary reports.

Everyone involved in an investigation or restoration process has a different role with respect to maintaining confidentiality:

- **Complainants, respondents and witnesses** are expected to keep confidential the subject matter of the complaint, the identities of other persons involved in the complaint, and any information they learn through an investigation process. However, this does not prevent them from obtaining advice or support from union representatives and professional advisors (lawyers, doctors, counsellors, etc.), or speaking in confidence with their designated support person(s). Parties to a restoration process are expected to abide by confidentiality agreements constructed for the specific process they are participating in.
- **Human Resources** representatives and **supervisors** who carry out an investigation are expected to keep confidential all information collected in the course of an investigation or restoration process and will limit disclosure of such information to that which is necessary to investigate and/or resolve the complaint or for the conduct of legal proceedings.

## 7. Document Retention

Information collected and retained during an investigation process shall be kept in a confidential file separate from any employee's personnel file and shall be maintained by Human Resources. Documentation which outlines disciplinary action shall be placed on an employee's personnel file. Documentation of any outcomes following a restoration process will be shared with the parties involved and those responsible for helping to hold the parties accountable.

Information collected and retained during a restoration or investigation process may be required to be disclosed for example for the purpose of court proceedings, arbitration or other legal proceedings. Personal information shall be protected in accordance with the *Freedom of Information and Protection of Privacy Act*.

## 8. Collective Agreements and Legislation

In the event that any portion of this Policy is inconsistent with a binding Library collective agreement or any applicable legislation, that portion and only that portion of the Policy shall have no application to the extent of that inconsistency. All other portions of the Policy shall continue in full force and effect.

### Non-compliance Consequences

Failure to comply may result in disciplinary action up to, and including, termination of employment.

### Policy Administration Roles and Responsibilities

|                                  |  |
|----------------------------------|--|
| <b>Director, Human Resources</b> | Oversees and recommends updates to the policy as required.                                   |
| <b>Directors Group</b>           | Approves the policy, delegates monitoring of adherence of this policy to the Managers Group. |
| <b>Managers Group</b>            | Oversees the day-to-day implementation of the policy and procedures.                         |
| <b>Manager, Human Resources</b>  | Regularly reviews the procedural parts of the policy to reconcile discrepancies.             |

### Related Policies

- Code of Conduct
- Whistleblowing - Reporting, Investigation and Protection

### Approval History

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| <b>ISSUED BY:</b>  | <b>Directors Group</b> | <b>APPROVED BY:</b> | <b>Directors Group</b> | <b>DATE:</b> |  |  |
| <b>REVISED BY:</b> | <b>Directors Group</b> | <b>APPROVED BY:</b> | <b>Directors Group</b> | <b>DATE:</b> |  |  |

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|----------------------------|---|-----------------------------|----------------|
| <b>DATE OF NEXT REVIEW</b> | <b>ONE YEAR AFTER POLICY TAKES EFFECT</b> | <b>REGULAR REVIEW CYCLE</b> | <b>5 Years</b> |
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