

Human Rights and Anti-Harassment/Discrimination Policy

Date:	December 12, 2016
To:	Toronto Public Library Board
From:	City Librarian

SUMMARY

The *Occupational Health and Safety Act* was amended recently by Bill 132, the *Sexual Violence and Harassment Action Plan Act*. These amendments created new requirements for workplaces in Ontario in relation to workplace harassment policies, programs and training. The City's Human Rights and Anti-Harassment/Discrimination Policy has been amended to include new policy provisions introduced under Bill 132. These provisions expand employee protections and employer obligations regarding workplace and sexual harassment. As part of the Library's ongoing commitment to ensure that the Library is a harassment-free workplace, complies with Bill 132 and remains consistent with City practices, a revised Human Rights and Anti-Harassment Policy is being presented for the Toronto Public Library Board's approval.

Bill 132 also mandates that organizations have workplace programs and training in relation to both harassment and sexual harassment. Programs have been developed to cover bargaining unit and non-bargaining unit staff. Staff training will commence early in 2017.

RECOMMENDATIONS

The City Librarian recommends that the Toronto Public Library Board:

1. approves the Human Rights and Anti-Harassment/Discrimination Policy in Attachment 1.

FINANCIAL IMPACT

This report has no financial impact beyond what has already been approved in the current year's budget.

The Director, Finance and Treasurer has reviewed this financial impact statement and is in agreement with it.

DECISION HISTORY

In 2005, the Human Rights and Harassment Policy was passed by the Library Board. The policy is reviewed annually, as required by the *Occupational Health and Safety Act*, by both senior management and representatives of the bargaining unit.

The Workplace Violence and Prevention Policy was passed by the Board in 2007 and states that “(t)he Toronto Public Library’s Human Rights and Harassment Policy addresses workplace violence related to harassment or intimidation”.

ISSUE BACKGROUND

In March of 2016, the provincial government passed Bill 132, the *Sexual Violence and Harassment Action Plan Act* with the stated goal of making workplaces, campuses and communities safer and more responsive to the needs of survivors and to complaints about sexual violence and harassment. This Act amended six pieces of legislation, most notably the *Occupational Health and Safety Act*.

The amendments to the *Occupational Health and Safety Act* came into force in September of 2016 and required workplaces in Ontario to create a sexual harassment policy and program and to provide training on both to all workplace staff. Bill 132 requires that workplace policies contain the following elements:

1. Organizational statement of commitment to address harassment;
2. The Occupational Health and Safety Act definitions of “workplace harassment” and “workplace sexual harassment”;
3. Statement that the policy applies to all workers and harassment can come from any source in the workplace;
4. Provision to encourage workers to report harassment;
5. Provision that the employer will investigate complaints and handle them confidentially;
6. Provisions to prevent reprisals against those that make a complaint;
7. Information about other sources than the employer to address harassment.

Workplaces had the option of amending existing anti-harassment policies or developing new ones.

COMMENTS

On October 5, 2016, City Council approved an amended Human Rights and Anti-Harassment/Discrimination Policy that added the policy elements required by Bill 132. As part of the Library’s ongoing commitment to ensure that the Library is a harassment-free workplace, complies with Bill 132 and remains consistent with City practices, a Human Rights and Anti-Harassment Policy is being presented for the Board’s approval. The Library’s policy is based on the City’s. However, adaptations have been made to reflect the Library’s organizational structure. The Library’s policy has been reviewed by City Legal. This revised Human Rights and Anti-Harassment / Discrimination Policy will replace the

Library's Human Rights and Harassment Policy that was passed by the Board in 2005. The 2005 policy is attached to this report for information only.

The Library's 2016-2019 Collective Agreement includes a Human Rights and Harassment Procedure that was based on the sexual harassment program requirements as outlined in Bill 132. The Procedure includes the elements required by Bill 132. (At the time that the Collective Agreement had been ratified, Bill 132 had received Royal Assent, but had not yet come into force.) This Collective Agreement Procedure was modified and adapted to create a Supplemental Procedure for non-bargaining unit staff as well.

Beginning in early 2017, training will be provided to staff on the new Human Rights and Anti-Harassment/Discrimination Policy and associated procedures. As required by Bill 132, managers will be given additional training on how to recognize workplace harassment and how to handle a complaint.

CONTACT

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SIGNATURE

Vickery Bowles
City Librarian

ATTACHMENTS

Attachment 1: Human Rights and Anti-Harassment/Discrimination Policy
Attachment 2: Human Rights and Harassment Policy (for information)