

## **APPENDIX 1**

### **SASKATCHEWAN LIBRARY ASSOCIATION APPENDIX 1**

#### **SASKATCHEWAN LIBRARY ASSOCIATION HARASSMENT POLICY**

The Saskatchewan Library Association (SLA) is committed to providing an environment free from harassment where all people are treated with respect and fairness. This includes Board members, volunteers, staff, and members of SLA. Everybody shares responsibility for a respectful work environment.

#### **1. Purpose**

- 1.1.** To encourage an understanding of harassment, recognizing that bullying, and abuse of power are forms of harassment.
- 1.2.** To create an awareness of the policy position and to take positive measures of prevention as well as effectively dealing with harassing behaviours.
- 1.3.** To provide an atmosphere which promotes equity and prohibits discriminatory practices as outlined in The Saskatchewan Human Rights Code.
- 1.4.** To enforce management and supervisory obligations to take measures, diligently and continuously, which promote a harassment-free workplace and effectively respond to incidents that may occur.

#### **2. Statement**

- 2.1.** Harassment is a violation of human rights.
- 2.2.** Harassment of any nature negatively affects well-being and productivity.
- 2.3.** Harassment poisons the environment of the workplace.
- 2.4.** Harassment is illegal under The Saskatchewan Employment Act and The Saskatchewan Human Rights Code, 2018.

#### **3. Definition of Harassment**

The definition of harassment comes from section 3-1 of The Saskatchewan Employment Act, and includes provisions in 3-1(1)(l), 3-1(4), 3-1(5) and 3-1(6), which state:

“harassment” means:

- (i) any inappropriate conduct, comment, display, action or gesture by a person towards a worker:

(A) that either:

(I) is based on any prohibited ground as defined in The Saskatchewan Human Rights Code, 2018 or on physical size or weight; or

(II) subject to subsections (4) and (5), adversely affects the worker's psychological or physical well-being and that the person knows or ought reasonably to know would cause the worker to be humiliated or intimidated; and

(B) that constitutes a threat to the health or safety of the worker; or

(ii) any conduct, comment, display, action or gesture by a person towards a worker that:

(A) is of a sexual nature; and

(B) the person knows or ought reasonably to know is unwelcome;

...

(4) To constitute harassment for the purposes of subparagraph (1)(l)(i) (A) (II), either of the following must be established:

(a) repeated conduct, comments, displays, actions or gestures;

(b) a single, serious occurrence of conduct, or a single, serious comment, display, action or gesture, that has a lasting, harmful effect on the worker.

(5) For the purposes of subparagraph (1)(l)(i)(A)(II), harassment does not include any reasonable action that is taken by an employer, or a manager or supervisor employed or engaged by an employer, relating to the management and direction of the employer's workers or the place of employment.

(6) For the purposes of clause (1)(l), subsections (4) and (5), clauses 3-8(d) and (d.1), clauses 3-9(c) and (c.1), clauses 3-10(b) and (b.1) and sections 3-21 and 3-21.1, a worker includes:

(a) a volunteer that an employer permits, directly or indirectly, to perform work or services; and

(b) an independent or dependent contractor.

Based on the definition in The Saskatchewan Employment Act, there are three different types of harassment that are prohibited and protected in Saskatchewan, as follows:

- Harassment Based on a Prohibited Ground
- Workplace Bullying
- Sexual Harassment

To constitute Harassment Based on a Prohibited Ground, a harasser or harassers must make any inappropriate conduct, comment, display, action, or gesture to a person that is based on any prohibited ground as defined in The Saskatchewan Human Rights Code, 2018 or on physical size or weight and that constitutes a threat to the health and safety of the worker.

The Saskatchewan Human Rights Code, 2018 stipulates that individuals have the right to be free from discrimination and harassment on the following grounds:

- Religion<sup>1</sup>
- Creed
- Marital status
- Family status
- Sex<sup>2</sup>
- Sexual orientation
- Disability<sup>3</sup>
- Age
- Colour
- Ancestry
- Nationality
- Place of origin
- Race or perceived race
- Receipt of public assistance
- Gender identity

1 “Religion” includes all aspects of religious observance and practice as well as beliefs 2 “Sex” means gender and includes discrimination on the basis of pregnancy or pregnancy-related illnesses.

3 “Disability” any degree of physical disability, infirmity, malformation or disfigurement and, without limiting the generality of the foregoing, includes:

(A) epilepsy;

(B) any degree of paralysis;

(C) amputation;

- (D) lack of physical co-ordination;
- (E) blindness or visual impediment;
- (F) deafness or hearing impediment;
- (G) muteness or speech impediment;
- (H) physical reliance on a service animal, wheelchair or other remedial appliance or device;
- (I) an intellectual disability or impairment;
- (J) a learning disability or a dysfunction in one or more of the processes involved in the comprehension or use of symbols or spoken language; or
- (K) a mental disorder

To constitute Workplace Bullying a harasser must adversely affect the psychological or physical well-being of the individual being harassed; the harasser must know or ought reasonably to know that their actions would cause the individual being harassed to be humiliated or intimidated; and it must constitute a threat to the health or safety of the individual being harassed. In addition, the conduct, comment, display, action or gestures that base the complaint must be repeated or must have been a single, serious occurrence that has had a lasting, harmful effect on the individual who is harassed. However, reasonable action taken by an employer or a manager or supervisor employed or engaged by an employer relating to the management and direction of the employer's workers or the place of employment does not constitute harassment.

To constitute Sexual Harassment a harasser must have conduct, a comment, display, action or gesture that is of a sexual nature and that the harasser knows or ought reasonably to know is unwelcome.

Types of behaviour that may constitute harassment based on any of the types of harassment include, but are not limited to:

- Racial or ethnic, sexist, homophobic or transphobic slurs
- Written or verbal abuse
- Threats or reprisals, actual or implied
- Unwelcome sexual remarks, invitations or requests for sexual favors
- Abuse of authority
- Bullying
- Unwelcome remarks, jokes, taunts, suggestions about a person's body, attire, age, marital status, etc.

- Displays of pornographic, sexist, racist or other offensive or derogatory material (including graffiti or pictures)
- Practical jokes or humour that results in embarrassment, humiliation or insult
- Leering (suggestive staring) or other offensive gestures
- Physical or sexual assault (criminal offense)

NOTE: Lack of intent on the part of the harasser is not a defence. Impact of the behaviour on the recipient is of primary importance.

#### **4. Saskatchewan Library Association's Responsibility**

Everyone has a responsibility to ensure his/her work environment or area of service is free of harassment. Condoning inappropriate behaviour can have the effect of creating an intimidating, hostile, an offending or a poisoned (not free from harassment) environment. The Saskatchewan Library Association's responsibility is to ensure that its

Board members, volunteers, staff, and membership do not harass others nor are they subjected to harassment. All instances of harassment should be reported by anyone who witnesses the harassment.

#### **5. Harassment Process**

If anyone feels that they have been subjected to harassment of any type while they are involved in a program or activity of the SLA, they can report the harassment immediately or as soon as they are comfortable to do so to the Executive Director of the SLA or to any Board member. The reporting should be made in writing and identify the complainant, the harasser, details of all problematic conduct, comment, display, action or gesture, and details of how the harassment has impacted the individual.

The complainant may exercise any other legal rights available under any other law including a report to the police. Other steps the complainant can take include:

- Tell the harasser how you feel and that you would like them to stop
- Write down the details of the situation as soon as you can
- Get support: talk to a friend, see a counsellor

When a harassment complaint is received by either the President or the Executive Committee, it will be treated seriously and investigation will be commenced within five working days. The Board may name an investigator, if the situation warrants it, who will be from outside of the Saskatchewan Library Association. The complainant may be referred to other appropriate authorities such as the

Saskatchewan Human Rights Commission or the Occupational Health and Safety division of the Ministry of Labour.

The Saskatchewan Library Association will notify the alleged harasser of the complaint in person and in writing, and provide them with information about the circumstances of the complaint.

The Saskatchewan Library Association will undertake a confidential investigation.

The complainant and the alleged harasser will be interviewed separately. Anyone else who can provide relevant information will also be interviewed. All information will be kept in strict confidence except as required by law or as necessary for purposes of investigating the complaint and taking disciplinary action.

Following the investigation, SLA will inform the complainant and alleged harasser of the results of the investigation in writing. Documentation about the complaint will be placed in their respective files, including action taken or why the claim was unsubstantiated. A summary of the investigation may be given to the Executive Committee of SLA.

If the complaint is valid, appropriate disciplinary action will be taken. Action may include:

- education
- warning
- suspension
- employee dismissal/volunteer removal
- removal from SLA programs
- dissolving of working/program delivery partnerships

In the event of an alleged retaliation, the Executive Committee will consult with the SLA Board. Allegations of retaliation will be investigated in a similar manner to allegations of harassment. If retaliation is found to have occurred, this will be deemed ground for instant dismissal with cause (employees) or instant removal from the association with cause (for members/volunteers).