



# Unifor Harassment Policy for Union Events

## Statement Of Principles

Unifor believes that every individual has the right to dignity and respect both within the union and in the workplace. The responsibility of creating and preserving a safe and harassment-free environment is a collective one assumed by all Unifor members. Unifor shall endeavour to provide leadership in setting standards of behaviour, which reflect our commitment to equality.

Unifor will not tolerate any form of harassment, bullying or violence within the union environment, whether it is at the Local, Regional, Québec or National level. Such actions may result in sanctions being taken against a member pursuant to Unifor's Harassment Policy for Union Events procedures for Unifor members.

## Application Of The Policy

This policy applies to members of Unifor for complaints of harassment that take place within the union environment. For example Unifor conventions, conferences, councils, education seminars, local, regional or any union events held outside the workplace.

This policy does not apply to any workplace harassment complaints involving members as they will be dealt with through the grievance procedure and/or the applicable workplace harassment policy and procedure. In the absence of a workplace harassment policy, members are encouraged to use Unifor's Harassment in the Workplace Policy. Similarly, harassment complaints involving Unifor employees must be dealt with under the employee's collective agreement.

This policy does not apply directly to third parties. Third parties are individuals in the union environment who are not Unifor members or employees (i.e. relatives or acquaintances of members). However, it should be noted that where a third party engages in harassing, bullying or violent behaviour in the union environment, Unifor may take steps against the third party, up to and including requiring that individual to leave a Unifor event or banning that individual from future Unifor events.

This policy is not intended to discourage or prevent a member from exercising her or his rights under any applicable Human Rights legislation, and/or any other legal rights pursuant to any other law.

## Definitions

**Union Environment** – For the purposes of this policy, union environment means any Unifor event and/or any event in which a member is participating on behalf of Unifor including but not limited to conventions, meetings, seminars, councils, courses and conferences whether it be at the Local, Regional, Québec or National level.

**Harassment** – Harassment is an expression of perceived power and superiority by the harasser(s) over another person or group, based on their: sex, race, creed, colour, religion, ethnic origin, place of origin, sexual orientation, political affiliation, gender identity, gender expression, marital status, family status, disability, language, age, conviction for which a pardon has been granted, social and economic class, or activism and participation in the union.

Harassment is unwelcome, unwanted, and uninvited; it may be expressed verbally or physically; it is usually coercive, and it can occur as a single incident or on a repeated basis. It comprises actions, attitudes, language or gestures, which the harasser knows, or reasonably ought to know, are abusive, unwelcome, or wrong. It may include but is not limited to:

- Unwelcome remarks, jokes, innuendoes, taunts, or other discriminatory communication in any media;
- Insulting or malicious gestures or practical jokes which cause someone embarrassment or discomfort;
- Ridiculing, degrading or expressing hatred or intolerance, whether verbally, in writing or physically;
- Display of offensive or pornographic material/pictures, graffiti, or other materials
- Placing unreasonable limitations on someone because of a perceived need (e.g., disability, pregnancy, etc.);
- Leering (sexually suggestive staring);
- Defamation of religious imagery;
- Mockery of religious practices, customs or religious wear;
- Demands for sexual favours;
- Unnecessary physical contact such as touching, patting, or pinching;
- Making comments about one's appearance or personal life; or
- Expressing or promoting racial hatred.

**Bullying and personal harassment** – Bullying and personal harassment are defined as deliberate actions, mobbing, offensive, malicious and/or cruel behaviour with the aim to humiliate, intimidate, undermine, or destroy the character or confidence of an individual or group of individuals. Bullying and personal harassment may include an abuse of power or perceived power by one person or group over another that degrades an individual. Bullying behaviour is often persistent and part of a pattern, but it can also occur as a single incident. It is usually carried out by an individual, who ought reasonably to have known that her/his actions are unwelcome or unwanted. It can also be an aspect of group behaviour. The policy includes any member in any type of relationship, for example domestic, intimate, common law partnerships.

Some examples of bullying and personal harassment include but are not limited to:

**Verbal communication**

- Abusive and offensive language;
- Insults;
- Teasing; or
- Spreading rumour and innuendo

**Psychological manipulation**

- Unfair blame for mistakes;
- Deliberate exclusion;
- Practical jokes;
- Belittling or disregarding opinions or suggestions; or
- Public criticism

It is understood that using any form of media in verbal communication or in psychological manipulation as stated above constitutes bullying and/or psychological harassment.

Context is important in understanding bullying, particularly verbal communication. There is a difference between friendly insults exchanged by long-time work colleagues and comments that are meant to be, or are taken as demeaning.

**Union environment violence** – For the purposes of this policy, violence is defined as any physical assault or threat of physical assault occurring in the union environment. This policy covers any person accompanying a Unifor member attending a Unifor event.

Examples of union environment violence include, but are not limited to:

- Striking, punching, slapping, or assaulting another person;
- Fighting or challenging another person to fight;
- Grabbing, pinching, or touching another person in an unwanted way, whether sexually or otherwise;
- Engaging in dangerous, threatening or unwanted horseplay;
- Possession of firearms, explosives, or other weapons that are intended by their design to inflict fatal injury;
- Threatening harm or harming another person, or any other action or conduct that implies the threat of bodily harm;
- Stalking (i.e., the repeated following, calling or harassing of another person combined with making of a verbal, written or implied threat of harm); or
- Any other act that would arouse fear in a reasonable person in the circumstance.

# Procedures for Unifor Members

## 1. GENERAL PROVISIONS

- (a) The following procedures apply to any incidents of harassment, bullying and union environment violence that occur within the union environment, as defined in Unifor's Harassment Policy for Union Events.
- (b) Unifor will not disclose a Complainant's or Respondent's name, or any circumstances related to a complaint, to anyone, except as necessary to investigate a complaint or take disciplinary/corrective action related to the complaint, or as required by law. Unifor members, staff, officers and independent investigators or mediators (if any) involved in a complaint, are reminded to keep all information confidential, except in the above circumstances.

## 2. INFORMAL/EARLY RESOLUTION STAGE

- (a) Where a Complainant believes that they have been subjected to harassment, bullying or union environment violence, they are encouraged to clearly and firmly make known to the alleged harasser that the behaviour is objectionable and must stop. Unifor recognizes, however, that in certain instances such action may not be appropriate or advisable.
- (b) The Complainant may ask a member of Unifor's local executive or another trusted union member for their assistance in resolving the situation informally.
- (c) Unifor functions include seminars/courses, conventions, council meetings, etc. Unifor shall also have designated ombudspople to respond to incidents of harassment. Ombudspople are responsible for attempting to resolve complaints informally and quickly at the event or as soon as possible thereafter, but do not have any formal responsibilities beyond that.
- (d) Unifor local and/or industry council union events include meetings, conferences, social events, etc. The local and/or the industry council shall also have designated ombudspople to respond to incidents of harassment. Ombudspople are responsible for attempting to resolve complaints informally and quickly at the event or as soon as possible thereafter, but do not have any formal responsibilities beyond that.
- (e) For National and Canadian Council Unifor events (refer to section c), the National President shall appoint the ombudspople. Ombudspople may include National Staff. In appointing ombudspople, the size of the event, along with diversity, gender and language shall be taken into consideration.
- (f) For Regional or Québec Unifor events (refer to section c), the Regional or Québec Director shall appoint the ombudspople. Ombudspople may include National Staff. In appointing ombudspople, the size of the event, along with diversity, gender and language shall be taken into consideration.
- (g) For Unifor Local and/or Industry Council events (refer to section d), the Local Union President or the Industry Council Chair(s) shall appoint the ombudspople. In appointing

ombudspople, the size of the event, along with diversity, gender and language shall be taken into consideration.

- (h) Possible resolutions at this stage include, but are not limited to, apologies, reprimands and possible expulsions from the event at which the incident/s occurred (including the expulsion of third parties). Where the safety of any individual is compromised or a criminal act is alleged to have occurred, the appropriate authorities shall also be contacted.
- (i) If the incident is successfully resolved at this stage, the Ombudsperson shall advise the appropriate Regional or Québec Director or the National or Local President or the Industry Council Chair(s) of the incident and no further action shall be required.
- (j) Ombudspople will receive the appropriate training through the national office.

### **3. FORMAL COMPLAINT STAGE**

- (a) Where a complaint cannot be resolved informally, the Complainant may file a formal complaint in writing to the National Anti-harassment Coordinator at the national office.
- (b) Each Regional or Québec Director shall appoint Regional or Québec Harassment Investigators to respond to formal complaints at the Regional or Québec level that arise under “Unifor’s” Harassment Policy for Union Events. In appointing Harassment Investigators, diversity, gender and language shall be taken into consideration. The Investigators shall receive appropriate training with respect to the handling of harassment complaints through the national office.
- (c) The National president shall appoint a National Anti-harassment Coordinator, to direct all harassment complaints as well as Harassment Investigators to respond to formal complaints at the national level that arise under Unifor’s Harassment Policy for Union Events. In appointing the coordinator and investigators, diversity, gender and language shall be taken into consideration. They too shall receive appropriate training with respect to the handling of harassment complaints through the national office.
- (d) The complaint must clearly state the facts giving rise to the complaint and refer to the appropriate section of Unifor’s Harassment Policy for Union Events, which is alleged to have been violated. The complaint must be filed within 60 days of when the alleged incident(s) occurred. (See attached Complainant’s Form).
- (e) The complaint shall be submitted under “confidential seal” to the National Anti-harassment Coordinator, c/o the Unifor National Office, 205 Placer Court, Toronto, ON M2H 3H9.
- (f) The National Anti-harassment Coordinator shall examine the complaint as soon as it is submitted, and shall determine any preliminary or jurisdictional matter, including but not limited to the timeliness of the complaint, the admissibility of the complaint in the circumstances, and whether or not the complaint is frivolous or vexatious. The National Anti-harassment Coordinator has the discretion to extend the time period for filing complaints where s/he deems it appropriate, but will advise the President or the appropriate Regional or Quebec Director.

- (g) Where the National Anti-harassment Coordinator determines that the complaint is not admissible on preliminary or jurisdictional grounds, it shall inform the Complainant of this decision in writing. The Complainant may appeal a decision with respect to the admissibility of a complaint to the national appeals committee of the National Executive Board, following the process set out in section 7 below.
- (h) Where the National Anti-harassment Coordinator determines that the complaint is admissible, such complaint shall be forwarded to the appropriate Regional or Québec Director who will assign one of the Harassment Investigators to the case. Once appointed, the Regional or Québec Harassment Investigator shall provide a copy of the complaint to the Respondent. The Coordinator will also inform the Respondent of the process and applicable timeframes.
- (i) The Respondent shall have 15 days from the date on which they receive a copy of the complaint to respond to the Harassment Investigator in writing to the allegations in the complaint. (See attached Respondent's Form).
- (j) The Harassment Investigator shall provide a copy of the response to the Complainant.

#### **4. MEDIATION STAGE**

- (a) Where appropriate, the Harassment Investigator may determine that a complaint may be best dealt with through mediation between the parties. Mediation should be voluntary on part of the parties.
- (b) The Harassment Investigator shall conduct the mediation. In special circumstances and with the approval of the Regional or Québec Director or National President, an external mediator may be appointed.
- (c) The Complainant and Respondent shall be provided with the opportunity to meet with the Harassment Investigator, who shall work with the parties to resolve the situation. Ideally, the mediation should be held in-person. However, mediation may also be held via videoconference or conference call, if the circumstances are such that an in-person meeting is not possible or practical.
- (d) Mediation shall be held within 30 days from the date when the Harassment Investigator receives the Respondent's response. The Harassment Investigator has the discretion to extend this time frame, where it deems it appropriate, but will advise the President or the appropriate Regional or Quebec Director.
- (e) If the mediation proves to be unsuccessful, the complaint shall be redirected back to the investigation stage.

#### **5. INVESTIGATION STAGE**

- (a) Where mediation is not appropriate or it proceeds but is unsuccessful, the Harassment Investigator shall conduct a formal investigation. In special circumstances and with the approval of the Regional or Québec Director or National President, an external investigator may be appointed.

- (b) The Harassment Investigator shall investigate the alleged incident(s) and interview the Complainant, the Respondent, and any relevant witnesses for both the Respondent and the Complainant.
- (c) Within 30 days of being appointed, the Harassment Investigator shall provide a draft written report of her or his findings to the Respondent and the Complainant.
- (d) Both the Respondent and the Complainant shall be given the opportunity to reply in writing to the Harassment Investigator's draft report. Their replies shall be provided to the Harassment Investigator within 15 days from the date on which they received a copy of the draft report.
- (e) After having taken into consideration any written reply, the Harassment Investigator shall produce a final written report within 15 days from receiving the Complainant's and Respondent's replies to the draft report.
- (f) The Harassment Investigator has the discretion to extend any of the timeframes under this stage, where s/he deems it appropriate, but will advise the President or the appropriate Regional or Quebec Director.

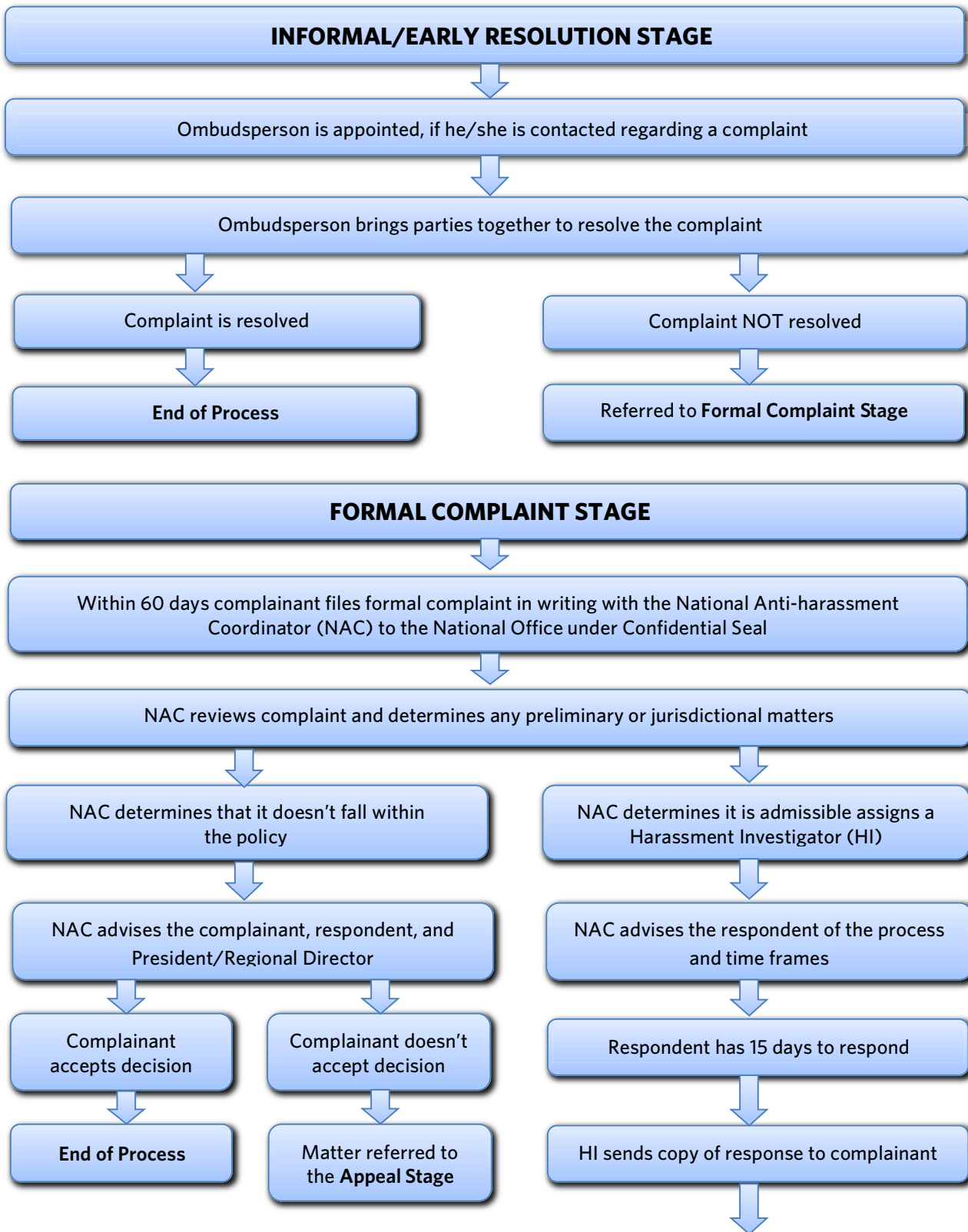
## **6. DECISION-MAKING STAGE**

- (a) The Harassment Investigator's final report shall include a statement of her or his findings and will include discipline and other remedy where appropriate.
- (b) Possible discipline includes but is not limited to a reprimand, removal from a committee/activity, suspension from membership, expulsion or any other just and equitable disciplinary measure.
- (c) The Harassment Investigator shall forward a copy of the report to the National President or the Regional or Québec Director who shall implement the report in its totality.
- (c) A copy of the harassment investigator's final written decision shall be sent to the Complainant, the Respondent and the National Anti-harassment Coordinator.
- (d) The National President or the Regional or Québec Director shall have 30 days to implement the harassment investigator's report.

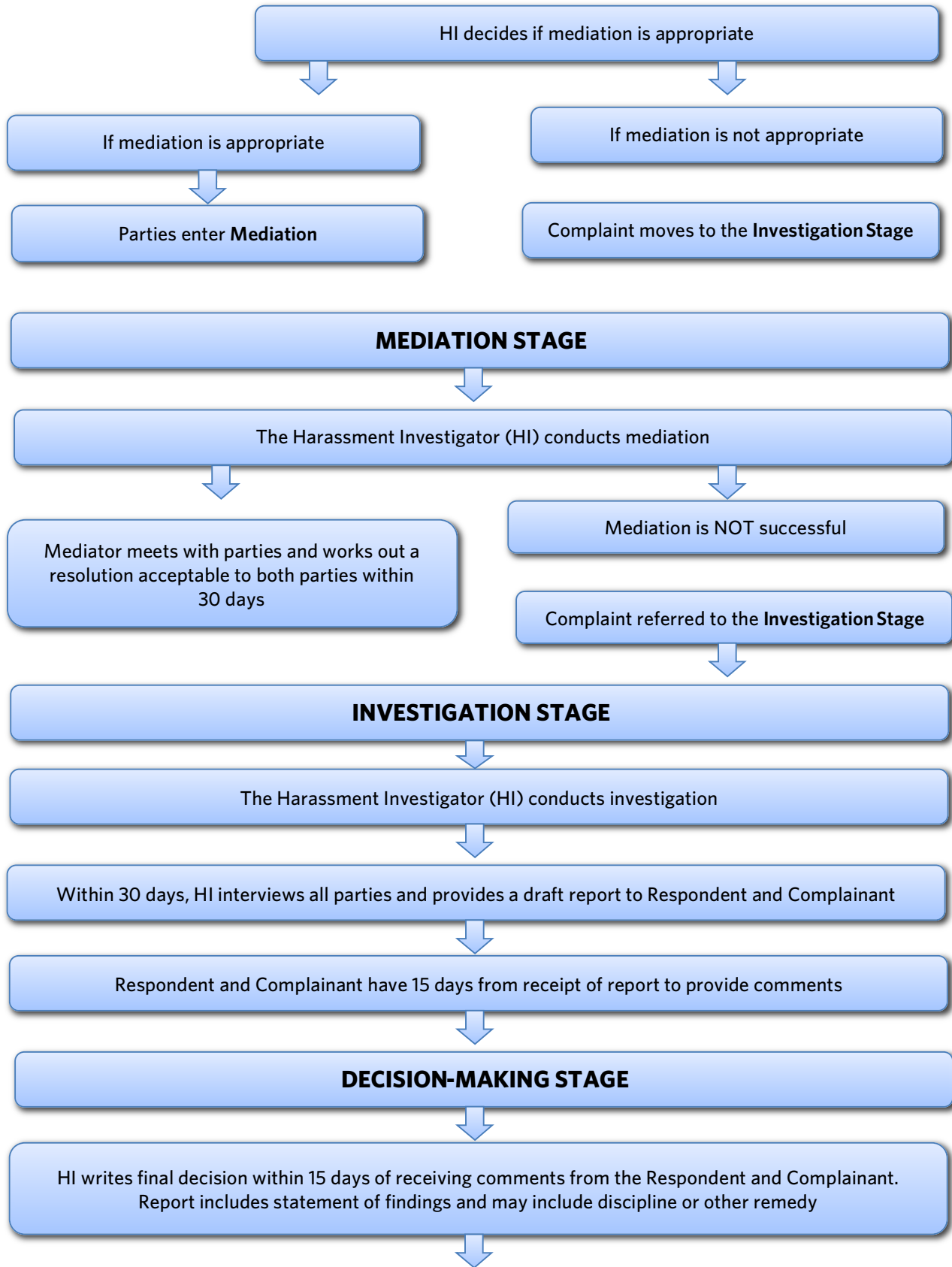
## **7. APPEAL STAGE**

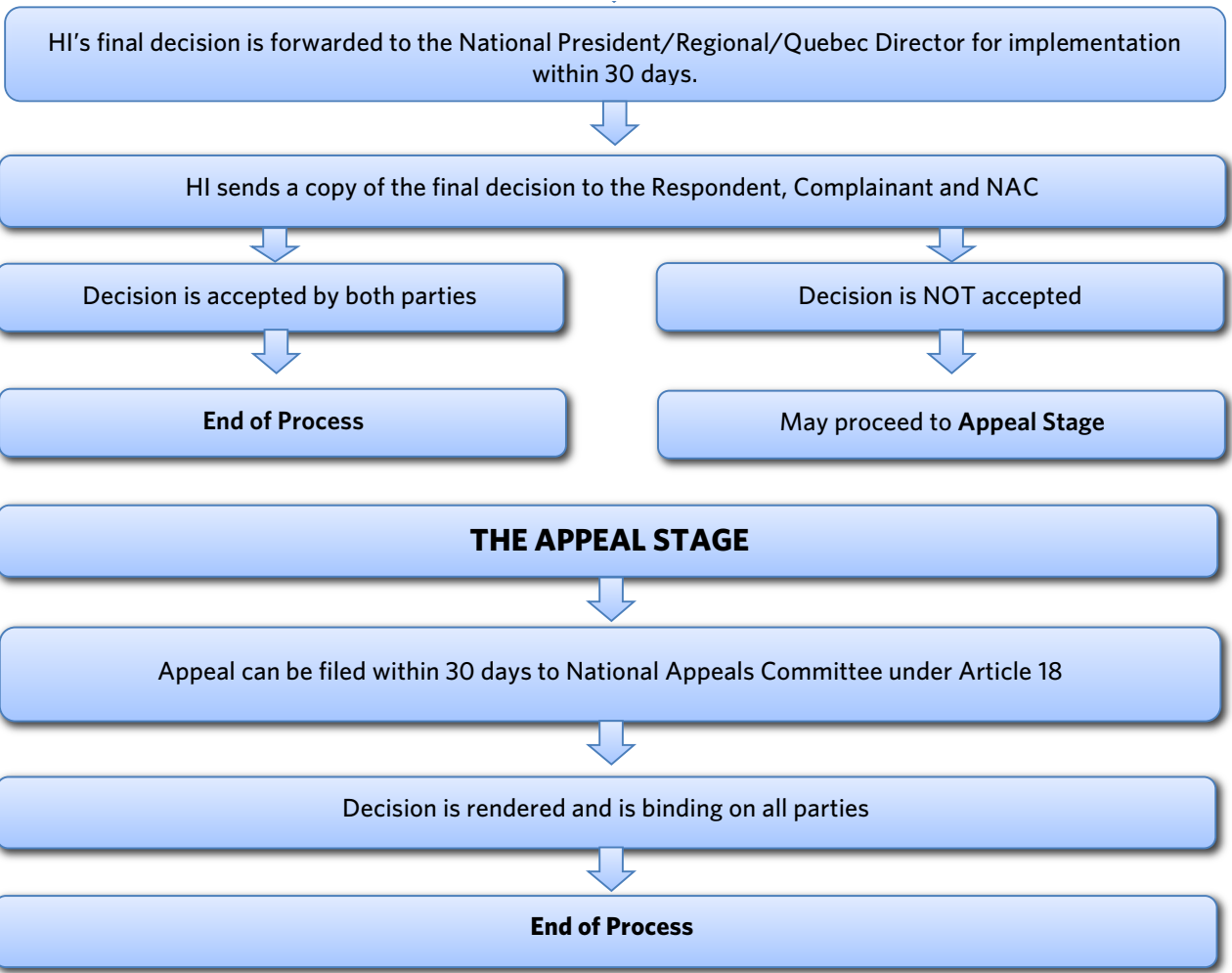
- (a) An appeal lies from a final decision of the Harassment Investigator to the National Appeals Committee of the National Executive Board.
- (b) The appeal shall be initiated through written notice filed within 30 days of the final decision of the Harassment Investigator being rendered.
- (c) The procedures to be followed at the appeal stage shall be the same as are laid out in article 18 of Unifor's Constitution, with any necessary changes being made.
- (d) There shall be no oral hearing before the National Appeals Committee of the National Executive Board, and its decision shall be final and without appeal. However, individuals have the right to file a complaint with the appropriate Federal/Provincial/Human Rights Commission/Tribunal and to seek redress under the Human Rights Code.

# "Unifor" Harassment at Union Events Procedure Chart









Individuals may choose to file with the appropriate Human Rights Commission/Tribunal