



Human Rights' Committee Handbook

October 2013



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INTRODUCTION

Message from the President

Working people understand that we don't live in a fair society and this lack of fairness extends to our workplaces as well. Racism, sexism, homophobia, transphobia and discrimination based on disabilities, religion, age, or citizenship status, are daily realities. And they are realities that we have a responsibility to confront together.

Unions have the tools to confront inequality. When we negotiate core issues – wages, pensions, benefits and working conditions -- we know this translates into tremendous equality gains for Aboriginal peoples, workers of colour, women, people with disabilities, and LGBT members. And when we vigorously take on employers who discriminate, and we demand real equality measures from our governments, we send a strong message that we are united, and that we will use our collective capacity and our power against their divisive tactics. Local Human Rights Committees can be the backbone of this work.

We plan to grow this union, and we can only do so when we make meaningful connections with our members and their communities. Human Rights Committees connect our local union work with community work and strengthen necessary bonds with groups beyond our historic base.

Challenging bigotry and discrimination takes leadership, courage, and learning. I am incredibly proud of the work our Human Rights Committees do in daily challenging us to see things from new angles, and to engage us in struggles that ultimately belong to all of us.

In solidarity,

Jerry Dias
Unifor National President

Message from the Human Rights Director

If you're reading this handbook, it's probably because you care about human rights issues, and you're thinking about joining, or you're already deeply involved in human rights in your local union. I'm glad to be working with you – there's so much to be done.

The good news is, human rights work is rewarding. We know it makes a difference when we take on racism in the workplace, and when we demand and win equal rights for LGBT members. We see the difference it makes when our unions elect women to the bargaining committee, when we speak out in support of our Muslim neighbours and co-workers, and what it can mean when we actively work to make our workplaces accessible to differently able people.

This handbook was designed as a resource for Human Rights Committees. It contains general information about some of the issues we work on, it offers suggestions for committees on how to set priorities, it provides sample checklists to make sure our collective agreements deal with human rights issues, and it directs you to some important resources that will make your work as Committee members stronger.

I look forward to working with you, taking on together the very real human rights challenges faced by not only our members, but by communities around the world.

In solidarity,

Vinay Sharma
Director, Unifor Human Rights

UNIFOR Human Rights Department

The role of the Human Rights Department is to promote a culture for human rights in workplaces and society, to start or support local union and community initiatives, and work on developing policies for the union which will promote human rights.

The Human Rights Department coordinates the national union's work on racial justice, Pride (lesbian, gay, bisexual and trans issues); our Aboriginal and Worker of Colour programs and campaigns; and our efforts on disability rights (including HIV/AIDS, mental health and wellness). The Human Rights Department works closely with the Unifor Women's Department.

The Human Rights Department provides the main national union support for local Human Rights Committees.

On a daily basis, the department provides assistance to staff, leadership and members seeking help with human rights issues. We organize national and regional human rights conferences, provide support for national and international days of action on human rights issues, and campaigns.

As well, the department coordinates 'Building Respectful Workplace' initiatives (for example, where we negotiate workplace anti-harassment training) and we also offer general human rights training programs which assist members in the fight against harassment and discrimination based on race, colour, sex, creed, sexual orientation, disability, religion or any other prohibited ground. The department is also involved in human rights complaint investigations.

If you have questions about Canada's human rights policies or have experienced racial, sexual or homophobic human rights abuses, please contact the Unifor Human Rights Department. All queries will be kept strictly confidential.



HUMAN RIGHTS COMMITTEES

A Brief History of Unions & Human Rights

We often hear “Workers’ rights are human rights”, and we also hear “human rights are workers’ rights”. Both are true – a broad gain for workers may have specific and important consequences for members of designated groups. Likewise, a win for an equity group nearly always strengthens the rights of all workers.

Unions can be an incredibly important vehicle for human rights. We can use our collective power to bring about positive change – and time and time again the labour movement has done exactly that.

But sometimes we haven’t – the reality is that just as the union movement can make gains for equity groups, we can also stand in the way. In the earliest days of union organizing, some union locals took on employers who tried to divide workers based on race – while at the same time other unions proclaimed ‘whites only’ union membership. Racism remains a daily reality. Unions have made major advances for women’s equality – both for women in our workplaces and for women overall in society – and yet sexism still rears its ugly head in some local unions, and issues that matter to all workers (like child care and violence) still get referred to as ‘women’s issues’. In the last fifteen years unions have played a critical role in advancing equality rights for lesbian, gay, bisexual and trans members – but only after LGBT members demanded that we do so. On disability issues unions have championed the rights of injured workers – ensuring they aren’t discarded by employers as ‘no longer valuable’. However, unions have been slower to demand that people with disabilities in our broader community get real access to decent, unionized jobs – jobs they need, like all of us, to feed their families.

We need to build on the progressive side of our history, and build on the advances we have made on human rights issues. We can take our cues from those who have opted to do the right thing, not the politically expedient thing. We can learn from the days when union organizers and union meetings were conducted in the many languages of our members. We can summon up the courage of the women who took on not only sexist employers and lawmakers, but also some of their union brothers. We can draw on the knowledge of our members - immigrants, refugees and temporary foreign workers - many of whom were engaged in workplace struggles in their own countries. We can be inspired by the gains of LGBT members, who have countered hostility and isolation by building vibrant communities.

Human Rights struggles are woven through the histories of both Unifor's founding members. Since our early days of organizing we have fought racial and gender discrimination in the workplace; we have campaigned for equality in our communities (better child care, paid maternity and parental leave, equal marriage, fair immigration policies, the right to self-determination for Aboriginal peoples, the right to accommodation for people with disabilities and so much more). We have formed strong partnerships with other groups demanding social and economic justice, calling on governments for meaningful, progressive change. For decades each of our founding unions has been working to prevent workplace harassment, and deal effectively with it where it does occur. We have developed workshops, conferences and courses on human rights and equality issues. In the former Canadian Autoworkers Union, we have developed specialized leadership and activist training for Aboriginal workers, workers of colour, LGBT members and women - these courses assist in breaking down barriers to the full participation in the overall life of the union. In the former Communications, Energy and Paperworkers union, the struggle for pay equity for one group of workers galvanized the entire membership, and actively demonstrated the strength we have in unity. Over the years we have built a strong base of diverse activists and leaders – and in turn, those activists and leaders have built a stronger, more relevant, dynamic union.

At our founding Unifor Convention, we outlined our ongoing commitment to principles of unity and diversity:

“Unity is the process of transforming individual aspirations into collective interests and action. It is based on equality. It is forged in diversity. It is strengthened by solidarity. As we overcome the divides of geography, the barriers of separate workplaces and occupations, and the differences of race and gender, age and background, we build a unified working class organization.”

Our new Constitution includes a pledge in Oath of Office for all elected leadership to fight discrimination and uphold principles of equality and social justice. It includes mandatory human rights training (40 hour) for all elected leadership, a commitment to proportional representation of women on the National Executive Board of the union, and an affirmative action position for Racialized/Aboriginal workers of colour. It calls for local union standing committees on human rights, and for the first time in Canadian history, it opens the union door to the community, through the introduction of Community Chapters.

As we embark on a new union project, we can bring forward the best of our histories, our most inclusive practices, and the momentum of change to ensure that human rights are, in fact, prioritized as workers' rights.

Why Have Local Union Human Rights Committees?

If we truly want the union to be a vehicle for human rights, we need people within the union who develop and maintain that focus. We need people who are dedicated to seizing opportunities, building allies, explaining the issues, and making connections with and between our members and our various communities. We need people who are not afraid to stand up and speak out for equity and fairness, even when it's not popular, and even when the odds are against us.

Human Rights Committees can:

- Ensure that pay equity (including “race” as well as gender), employment equity, anti-harassment policies and the duty to accommodate are union priorities, and ensure that members, activists and leaders understand their importance and the basics of how they work.
- Participate in all national union human rights campaigns.
- Provide support to existing leadership by offering information on human rights issues and opportunities to learn and do more.
- Actively support the development of new leaders from equity seeking groups. Human Rights Committees can be a great place for workers to build the confidence and skills necessary to become active in their local unions and communities, develop relationship with other activists, work with community groups and other union committees, and be a part of making meaningful change.
- Work with other standing committees and equity caucuses to support one another's issues.
- Work with local labour councils to coordinate and support human rights events and campaigns in your area. (Contact your local union leadership to find out who your labour council delegates are.)
- Ensure all members have access to at least some form of anti-harassment training. Work with the leadership, the Education Committee, and the Human Rights Department to identify gaps / needs and fill them.

- Connect with community groups, and bring a trade union and working-class perspective on issues like immigration policy, childcare, job creation, and social services.
- Be creative (and unrelenting!) in working to ensure that the diversity of the membership is reflected in the overall composition of the leadership and steward base of the union.
- Put a 'human rights lens' on all issues within the local union, and actively support changes to collective agreements, by-laws, local union practices, and union 'culture', that will lead to greater inclusion of all members.

Responsibilities of Human Rights Committees

Section D of Article 15 of the Unifor Constitution states that all local unions should establish the following Standing Committees: Human Rights; Lesbian, Gay, Bisexual and Trans (LGBT); Aboriginal and Racialized Workers; Young Workers; Workers with Disabilities; and Women's Committees. A local union may decide to consolidate committees or establish additional committees. Local union standing committees may be elected or appointed by the Local Union Executive Board.

Section 14 of Article 10 of the Unifor Constitution further states that "each Regional Council and the Quebec Council will establish standing committees with respect to Women, Aboriginal and Racialized Workers, Young Workers, Lesbian, Gay, Bisexual and Transgender Workers (LGBT), Workers with Disabilities, Health, Safety and the Environment (HSE), Political Action, and other committees as determined by the Executive of the Council", and the process for selecting Standing Committees "shall include a provision for peer election".

Being part of a committee carries with it some responsibilities.

- Keep your leadership in the loop – maintain good communication around ongoing activities and ideas for potential activities. Seek leadership support early.
- Hold committee meetings on a regular basis.
- Post meeting notices in advance & circulate an agenda.
- Decide things democratically.
- Tell other members about the work of the committee – make reports at membership meetings and write in the local newsletter or web page.

All locals develop their own traditions and practices; check with your local leadership and your local union by-laws to determine if your Human Rights Committee has additional responsibilities.

Setting Priorities & Responding to Current Events

Let's face it – the work we could do on human rights issues is endless, and we can't take it all on.

Human Rights Committees need to make strategic decisions on where to apply their energy and resources. Human Rights Committees tend to bring together people who are passionate and committed to issues. This is a strength, but it's also a challenge. We all want our priorities dealt with first! Make sure you have a process so that the work you decide to do is strategic and balances priorities.

Here are some things to think about when planning your work:

Workplace or community? How much of our committee's energy are we going to put into human rights in the workplace, and how much into the community? Is it 50:50? Is it 70:30? 30:70? It might be a good idea to decide on a ratio (say, for a one-year period – it could change, of course). There is a tendency for some committees to do only community work, and not get involved in workplace issues at all.

Reactive or proactive? Are we a committee that just responds to issues as they arise (say, in the workplace, or in the news?) or do we have a yearly plan? If so, does our yearly plan leave any room for us to deal with issues as they arise? If everyone in our workplaces is suddenly talking about migrant workers, can the committee organize a speaker on the topic, or circulate a petition demanding full labour, citizenship, and immigration rights for migrant workers? Engaging members at times of high interest will help keep the committee fresh and active.

Local or global? Some Human Rights Committees include a focus on international issues, some don't. What's your mandate?

Which human right? Do an audit of your activities – overall are you addressing racism AND disability AND sexism AND homophobia/transphobia, or do you tend to focus most of your work in one of these areas? If so, does that make sense? And, when you do work on racism, do you bring a gender and a sexuality lens to it as well? Or apply an anti-racism lens in the work you do to support LGBT pride?

Negotiation or legislation? Our union has a proud history of not only negotiating equity, but demanding that it be legislated too, so that all workers benefit, whether they belong to a union or not. So go ahead, make sure that your bargaining committee gets “gender expression and identity” included in your no-discrimination clause in the collective agreement, but at the same time, join the call to have it included in all human rights legislation and codes, provincially and federally.

Education or action? Well, as we like to say, edu/action! If your committee is taking a stand on something, make sure your members understand what the issue is, and why we’re involved. If we don’t educate, any gains we make are fragile. If we just educate, well, that’s a very, very slow road to change. Ask yourselves when you’re taking on an issue or a campaign – what are we doing to educate, and what’s our action?

And, as far as action goes, action happens at many levels. Wearing a button is an action, so is signing a petition. So is joining a first nations’ blockade, or getting on a bus to go to Ottawa in support of the right to choose, or pitching a tent at an Occupy event. People on your committee will have different comfort levels around action – talk these through – decide if you’re going to agree on a diversity of tactics, with everyone participating up to their comfort level, or whether you’re going to go with one tactic that everyone agrees with.

Charity or solidarity? Are you collecting for the food bank, or fighting cuts to social assistance that disproportionately affect equity-seeking groups? Or both?

- If you’re raising money for a shelter, can you also show a film from the “HomeSafe” series (www.skyworksfoundation.org) to make sure the voices and perspectives of people without shelter are heard, and that the issue is politicized?
- If you’re asking everyone to bring a canned good to an event, stand at the door and ask everyone to sign a petition demanding a re-instatement of the special diet allowance for people on social assistance.
- If your local is sponsoring a toy drive, avoid buying toys made under unfair or unsafe working conditions. And don’t fall into the trap of gender-labeling the toys - putting all the sports equipment, puzzles and science kits in a ‘boy pile’ and all the stuffed animals in a ‘girl pile’. Be consistent in your politics, wherever possible!

Where you can, choose projects/activities and social partners / community groups that are focused more on solidarity than charity. And help our members connect the dots

between the issues, and from the immediate issues to broader issues of political, economic and social justice.

People power: Do we have the people to pull this campaign / program off? Is this a campaign or issue that will attract new people and grow our committee? If so, that may be reason enough for taking it on. In any case, make sure your objectives and tasks are in line with a realistic assessment of your people power.

Energy check: Will this campaign / issue give us energy? Do a go-around at your meeting and ask: do you have energy for this? Will it give you energy? If the answer's not a resounding "yes!", pick something else and come back to this at a different time, or only ask those who declare they have the energy to get involved (and set your goals accordingly).

Be Realistic: The Option of No

When you hear about a human rights issue or campaign, do you automatically think: "our committee should do something about this!"?

And maybe you should – maybe it will give you energy; maybe it will be an opportunity to connect with others – which is important in the long run; maybe your contribution will 'tip the balance' to making the campaign successful; maybe your credibility in the union or the community hinges on getting involved; maybe your committee has something unique to contribute.

Or maybe this is a moment where you can publicly endorse the campaign, find one small key thing that is useful to do, but trust that others are doing a solid job of it and keep your eyes on the priorities you've already set. You could just pick up the phone, call the group leading the campaign, acknowledge the importance of the work they're doing, and ask if there's one tangible thing you can do to support them. Maybe they want you to send out an email to your mailing list? Maybe they want to come and talk at a local union meeting – that could be something you could work through with your executive (and easier than building your own campaign on the issue). The group most closely connected to the issue should be leading it - providing access to your members isn't hard but is a significant contribution. You can't get directly involved in everything that comes along – sometimes your role is to cheer others on, re-print their articles (you don't always have to write your own), and stay focused on issues that are getting less attention so that they too will have their day. Remember, you have limited resources – you have a responsibility to use them wisely.

Building Relationships between Human Rights Committees and Other Union Committees

The good news is that there are lots of committees in the local union structure that are involved in some way in human rights. We need to coordinate our activities and avoid getting bogged down by lack of communication, or battling over turf. Our aim should be to link the work of the Human Rights Committee up with the work of the Women's Committee, Aboriginal and Workers of Colour Committee, Pride Committee, the Education Committee, the Youth Committee, and the Union in Politics Committee. We can work with Health & Safety Committees on issues like accommodation and harassment. We can support the work of a local union Employee, Family, Assistance Plan Committee. And, we need to be in close contact with our Bargaining Committees (see the section in this handbook on bargaining).

Working together doesn't just mean sending out notices regarding our events – it means getting to know each other, attending each other's meetings from time to time, and sharing input with one another so that our work and our perspectives are broadened and strengthened. The trap of working in silos is real; the reality is Human Rights Committees will need to do the hard work of reaching out if we're going to broaden our impact. Some Human Rights Committees coordinate annual meetings where all caucuses and committees are invited to discuss strategic plans and provide updates.

Building Relationships with Community Organizations

There's a good chance that if you polled your entire membership, you'd probably discover that your local union already has links with most community groups in your area!

We need to work with community groups to pool our resources, ideas, and analysis. We can bring a trade union perspective, a working-class analysis, and an equity lens to most issues – we need to exchange with community groups, share our ideas and listen well to theirs.

Who you could be connecting with?

- Local anti-poverty groups
- Aboriginal groups, Native bands
- Local groups for people with disabilities
- anti-racist action groups

- Ethno-cultural centres / associations
- Prison/Jail rights groups and re-entry groups
- Universal Health Care groups (e.g., local chapters of the Canadian Health Coalition)
- Social housing groups
- groups providing services to refugees and immigrants
- Temporary Foreign workers advocate groups
- Migrant Farm workers advocate groups
- HIV/AIDS groups
- Women's shelters, rape crisis centres
- local environment groups
- local independent media
- social justice coalitions
- Seniors' groups
- Youth social justice groups
- LGBT groups
- PFLAG (formerly known as parents & friends of lesbians & gays – and now trans-inclusive)
- peace/anti-war groups

Keeping a Human Rights Committee Together and Alive

We need to plan our work in accordance with our resources, time, and energy levels. Setting unrealistic goals burns people out. And expecting everyone to commit at the same level in the same way is a sure-fire way of alienating people from your committee. Accepting what people have to offer, and showing appreciation for whatever they contribute will keep people on board, even if they just maintain a loose connection (we can call on loose connections in times of need!).

Committees fall apart or stagnate for a bunch of reasons – fatigue is one of them, so is burn-out, so is internal division, so is frustration over lack of success.

But Committees stick together for reasons too: a culture of working together, people feeling both needed and valued, a commitment to common cause, shared leadership, good processes for sharing and airing differences, acceptance and respect for differences in people's availability and energy, real opportunities to learn together.

Keeping Human Rights Committees together is hard work – partly because there’s so much at stake and partly because the same divisions that split our members can split our committee, if we’re not paying attention.

The Human Rights Committee may be the first or the last refuge that a member seeks in the union; this means that we need to take extra care with each other, and pay extra attention so that our processes meet people’s needs and are fair. Human Rights Committees, like caucuses, aren’t ‘all business’ – they also exist to offer support for people to find common cause. We should take this seriously as part of our mandate – not an extra, or a by-product of what we do, but part of the reason people get involved – and stay involved.

In fact, many members hold the Human Rights Committee to a higher standard of conduct than other committees: none of us wants to be disappointed by the committee that’s supposed to understand and prioritize our issues.

There are three key elements to sustaining healthy groups:

1. Building relationships;
2. Getting things done;
3. Learning together.

If we put real energy into ensuring we are doing all three of these, we will have strong, healthy committees. As well, we can:

- Assume good intentions.
- Ensure all members of the committee have meaningful roles and opportunities to develop their skills.
- Have a Chairperson or Co-chairs who organize productive, and regular meetings, make decisions collectively and democratically, maintain good communication with Local Union Leadership and members.
- Celebrate victories. Including partial victories. Get together over a meal to mourn defeats.
- Remain open to new ideas and creative ways of doing things.

- Make it a point to learn together, and learn from each other. Invite each other to your own community events, go to a movie with an equity 'theme' together, share books and articles.
- Share food.
- Include families in events.
- Grow your committee. Personally invite people and offer to meet them and come in together. Support each other, have fun and enjoy the work of building a stronger, more inclusive union.
- Stay in touch with your leadership. Actively communicate with local union leadership and work to build support for the Human Rights Committee. You can't make change - or survive - without it.

What about burn-out?

This is a real danger. The irony is that the more a committee stretches itself, the fewer the number of people who hang around to do the work. Those people who are left have a tendency to burn out, or become cynical (or self-righteous) and assume that other people are 'apathetic'. But study after study shows that working people are not apathetic – they care an awful lot about social justice. This includes people who have never been involved in any kind of social movement, and it includes people who have 'dropped out' of social movements. The issue isn't that people are apathetic, or don't care, it's that what keeps people engaged is a sense of community, a sense of belonging, and a sense that their contributions are valuable and valued. When a committee tries to 'do everything' and we stretch ourselves too thin, we stop paying attention to building relationships, learning from each other, offering meaningful support, laughing, recognizing other people's contributions, asking about one another's family and health. We move from issue to issue, campaign to campaign and we don't stop to make strategic decisions or reflect or honour the work we do.

If this is happening to your committee, it's time to get back on track. Ask for help from other committees, or ask someone to help facilitate getting your committee back on track. It's worth it.

HUMAN RIGHTS COMMITTEE MEETINGS

Making Human Rights Committee Meetings Effective

Have a purpose: Ask yourselves, why are you meeting? What do you hope to accomplish? Are you meeting to plan an event, to learn, to re-energize and to deal with standard items, or just one of these things? Be clear about the focus and objectives for the meeting and for each part of your agenda. Be aware that some members see the Committee's work as about 'getting things done', and other members may see it as providing informal support for their issues – both these perspectives are valid and they represent needs that should be met in a meeting.

Consider how often you need to meet: A good meeting gives people energy – a poorly planned, unfocused meeting sucks energy. Nobody likes to meet for the sake of meeting. Don't meet if you don't have a plan – and if you're meeting to develop a plan, think carefully ahead of time about a good process for developing one and for reaching consensus.

Plan Ahead:

- Where will the meeting be held? If space needs to be booked be sure to do this in advance.
- Be strategic about the timing of your meetings (i.e., can you hold them to coincide with membership meetings so that you can bring your issues forward?).
- Do you want new people to attend your meetings?
- If yes, how will you get the word out? Studies show the majority of people get involved in social movements because someone asked them to (not because they saw a poster, or were even committed to the issues). Don't assume people will show up if they're interested – people need to be invited. Again. And Again.
- As well as making personal contact, use your local union newsletter to invite people to join the Human Rights Committee – by making it sound interesting and letting them know they're needed.
- Consider what it would be like to be a new person at one of your meetings – how are new people welcomed? How are they brought into the discussions so they don't feel left out?
- Provide childcare at meetings, or at least a play area set up with age-appropriate toys, books, games.
- Distribute an agenda in advance so people can prepare. - An agenda is essentially a list or plan of what is going to be covered at the meeting. The items

are usually discussed in the order they are listed. In some cases an agenda is the same from one meeting to the next and items that are different are brought forward under headings such as 'New Business.'

During the Meeting:

- Review the agenda at the start of the meeting and have the group adopt the agenda to avoid debate later and to keep things "on track."
- Circulate a contact sheet (if appropriate) so that contact information for those in attendance is available.
- Someone needs to chair/facilitate the meeting. This could be the Committee Chair or chairing the meeting can be rotated. Decide in advance who will chair. Meetings without a leader tend to meander and lose focus.
- Find a way to ensure everyone is part of the discussion. This can be as simple as a quick go-around with an introductory question (give people a clear sense of the length of comments you're after. i.e. "let's take 10 minute and hear a word or two from everyone about what members are talking most about in your area" or "let's go around and hear from everyone about what you think was most – or least! - successful about our last event – please keep your comments brief).
- Watch the energy level. Take breaks when people need them.
- If the meeting stalls over a conflict or a disagreement of some sort, try to refocus where there is agreement/commonalities. Try not to get stuck – look for ways to give people an opportunity to compromise as opposed to getting locked into positions.
- Before ending the meeting review what actions have been agreed on and who has agreed to take these actions.
- End meetings on time. If the items on the agenda are not complete when the allotted time is up, check with the group to see if an extension of the meeting is in order or whether the remaining items should be carried over to another meeting.
- Schedule your next meeting.
- Thank everyone for their participation.

Overall:

Ask yourselves what you can do to make the meetings interesting, relevant, and high priority for yourselves and newcomers? When you're planning the meeting, think about how you want people to feel during and afterwards; think about how you might want them to describe the meeting to someone else. Then work backward as you design the shape of the meeting.

Human rights activists often say "we need to educate" – if we believe in the power of education so strongly, we need to practice it on ourselves! A sign of a good meeting is one where people go away feeling like they've learned something. You can be deliberate about this by inviting a guest speaker, talking about an event in the news, getting someone from the committee to give a report on an issue they're involved in, or you can watch a short film together (maybe even a really short film – see, for example, www.changingthecanvas.org – a series of mainly 3-minute films by workers of colour and immigrants in the union movement.)

Follow up: Complete any actions that you have agreed to do and report back at the next meeting. Between meetings connect with people – especially people who came out to their first meeting, to get their feedback and find out about their interests and concerns.

Sample Human Rights Committee Meeting Agenda

<p>Unifor Local 0000 Human Rights Committee 6:00 pm—8:00 pm, December 1, 2012 Union Hall, 79 Solidarity Way</p>
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Meeting Chair: Sunera

Meeting Agenda:

1. Welcome and check-in (Sunera —15 mins. Including quick go-around where everyone is invited to say how they're doing tonight)
2. Review of minutes from previous meeting (Terrence—10 mins.)
3. Review and adoption of agenda (Sunera —5 mins.)
4. Old Business (60 mins.)
 - Update from Nancy (from the Women's Committee) on current 'right to choice' campaign. Outcome needed: decision whether HR Committee will support upcoming rally and petition.
 - Report back on Education "Audit" – Jin reporting on the review of our local union's participation by equity group in paid education (PEL) programs over the past three years. Outcome needed: decision whether to adopt the report and make recommendations for Executive Board re: PEL selection process.
5. New Business

Screen video: Pilgrimage to Freedom (8 minutes) – footage from Ontario migrant workers march, 2012. Outcome needed: decision re: seeking financial donation from Executive Board for Justicia for Migrant Workers and join in 2013 march.

6. Adjournment

Formal Rules for Meetings

The union has produced a handbook called 10 Points for Meetings which outlines the formal procedures for making and passing resolutions (decisions) in the union. To download a copy go to www.unifor.org, click on the Human Rights Department, then the 'tools' tab - or call 1-800-268-5763 to order copies from our workroom.

Human Rights Committees may decide to follow these formal rules for meetings, or operate less formally (check your bylaws as they may dictate this).

However, whether or not your committee uses formal rules for meetings, you need to know them, because that's the only way you'll be able to fully participate at local union, Labour Council meetings, Area Council meetings, and union Councils and Conventions.

Knowing the rules of the union's formal democratic process is critical if you want to speak up and advance human rights in the union. Your Human Rights Committee can make it a priority to train one another on these rules – and on public speaking! - so that your voices can be heard in union meetings at all levels.

EQUITY CAUCUSES

Building Relationships between Equity Caucuses and the Human Rights Committee

Human Rights Committees need to work with and offer support to local union and area caucuses. Some caucuses will choose to use the Human Rights Committee as a way of bringing their issues forward to the larger union, so that everyone becomes informed about the issues, and everyone is asked to work to address the issues raised by the caucus.

What's a caucus and why do we have them?

A caucus refers to a small group within a larger group that is connected by an issue, who meets to discuss that issue, provides support for one another, and works out strategies for moving forward on their issues. In our union we have skilled trades caucuses, and we also have equity caucuses.

Women's caucuses, people of colour and Aboriginal workers caucuses, gay/lesbian/bisexual/trans (pride) caucuses, workers with disabilities caucuses -- these are spaces *open to designated group members only* so that we can truly focus our energies and have open discussions about issues, strategies and priorities, without having our voices drowned out or our concerns sidelined. It's important that we take time to talk with others who are affected by some of the same things we are, and be able to work through them in a supportive environment. Sometimes it's a matter of finding people we can lean on, sometimes it's about doing some serious organizing about how we can get an issue recognized.

Equity groups within the union need to also come together, and 'work across difference'. This is a challenging process, as it involves acknowledging our privileges relative to one another, as well as learning about what we share in common, both in terms of our analysis of the issues, and our strategies for making change. It often means learning to share what power we have, in order to make an impact.

DEVELOPING LEADERS

“Unifor is fully committed to equity and inclusion. Women, racialized and Aboriginal workers, lesbian, gay, bisexual and transgender workers, young workers, workers with disabilities and other equity seeking groups will be represented in the structures of the union at all levels.”

Unifor Constitution

Human Rights Committees can play a key role in developing leaders that more fully reflect the diversity of our membership.

Women, people of colour, immigrants, people whose first language is other than English, LGBT people, Aboriginal people, religious minorities, and people with disabilities are often overlooked as leaders in our movement (sometimes even on our Human Rights Committees!).

In part this may be because the ‘traditional leadership style’ is based on our union’s traditional base in a mostly white, male, workforce (also the model that still exists in political leadership today in Canada). In part it may be because informal learning networks are often organized along race, gender, sexuality lines, and so the ‘old boys’ club’ passes information and ‘know how’ along these lines. It may be in part because as members of marginalized groups we may have internalized messages about a ‘lack of experience’ or ‘suitability’ to the point that we may not put ourselves forward as candidates for leadership positions. Or, it could be we’re discouraged by the way that we’ve seen racism, sexism, homophobia play a role in union election campaigns.

Whatever the reasons, active steps will need to be taken if we are going to have a leadership that reflects the racial, gender, sexual, and ability diversity of our members. Human Rights Committees can think about and plan for opportunities to build leadership skills of equity group members in our union.

Some local unions have taken important steps toward achieving representation by changing their by-laws to ensure equity. Local 229 has adopted a policy that ensures youth, LGBT members, workers with disabilities and Aboriginal/workers of colour are represented on its executive board: where these groups are not represented, additional seats will be created.

Human Rights activists should regularly inventory whether equity-seeking groups are involved in all workshops, education programs, elections, community campaigns, union meetings and conversations. If there isn't adequate representation, they should ask:

- What do we concretely need to start doing to actively include more people from equity groups?
- What do we need to stop doing that is discouraging people from equity groups from participating?
- How do we need to continue doing that is helping bring about better representation?

Human Rights Committees can also build relationships with women, workers of colour, Aboriginal, lesbian, gay, bisexual, trans and workers with disabilities who are already in positions of leadership within the union, both seeking and providing support where wanted/needed.

COMMUNITY CHAPTERS

One of the most exciting aspects of the formation of Unifor is the introduction of Community Chapters. A local union now has the ability to open its membership to groups within the community who share a common struggle and are actively working to change conditions.

Here's what our Unifor Constitution says about Community Chapters:

Unifor understands that strong local unions are rooted in strong communities. We can help build strong communities and enhance our collective strength in the struggle for social and economic justice by opening our union to workers who currently have no access to union membership, because they have no collective agreement, or job, or hold temporary contract or other precarious employment. This effort will support our drive to build new bargaining units and strengthen the heart of the union.

Unifor's community chapters are a new form of union membership that aims to reach out to groups of workers that are generally excluded from union membership. Potential groups of people may include workers in workplaces where organizing campaigns have not yet succeeded; workers in precarious jobs; unemployed workers; students and any other group of workers hoping to improve their economic and social conditions. It's no secret that many of the working poor in our country and many of those who have been excluded from well-paying (unionized) jobs are people of colour, women, people with disabilities, immigrants, people whose first language is other than English or French, Aboriginal peoples, and/or those whose international credentials are not recognized in Canada.

Community Chapters may be especially important to Human Rights Committees, as **we are most likely to already have connections** to many of the communities who most need the boosting of a union, but until now haven't had a way to access a union. We can play an incredibly important role bridging between community groups and the union.

For more information on Community Chapters, see our webpage www.unifor.org, talk with your Local Union Executive Board, and contact chapters@unifor.org.

HUMAN RIGHTS & COLLECTIVE BARGAINING

“The single greatest determining factor in workplace equality is the presence of a union.”

This section of the handbook is about tools for bargaining equity. Bargaining Committees work under difficult, stressful conditions trying to balance members’ needs and strategize about how to get the best deal under the circumstances they face. The role of Human Rights Committees is to offer meaningful support and encouragement.

Human Rights Committees can:

- work with our bargaining committees to identify areas in our collective agreements where we have room to improve;
- provide on-the-ground education with members to build support for these initiatives (in the form of one-on-one conversations, articles in the newsletter, well-thought out interventions at union meetings, etc.).

Our union bargains for better wages, for better benefits - such as health plans, maternity/ parental leave benefits, for flexible work schedules for family-childcare leave, for protection from discrimination & harassment, for job security. These are bread and butter issues that make real differences in the lives of all workers, but are especially important in the lives of women, workers of colour, Aboriginal workers, workers with disabilities, and LGBT workers. Here’s why:

- On average, women working full-time, full-year earn 29.5% less than men. Currently, Canada ranks 38th in the world on the gender pay gap – falling behind Switzerland, Cambodia, and Kenya.
- Women of colour earn only 64% and Aboriginal women an appalling 46% as much as men.
- Second-generation men of colour earn 38% less than their white counterparts.
- One in five immigrants experiences a state of “chronic low income” (this is twice the rate for Canadian-born individuals, even though immigrants are twice as likely to have university degrees than Canadian-born workers!).
- Temp workers – disproportionately people of colour – make approximately 40% less than permanent workers in the same positions.
- Aboriginal people remain more than twice as likely as non-Aboriginal people to be unemployed (the numbers for on-reserve are twice as worse as off-reserve).

- Two-thirds of minimum wage earners are women. And more than one in five women aged 25 – 54 make less than \$12 per hour, almost double the proportion of men.

Working Conditions:

- 51% of all Canadian women have experienced at least one incidence of sexual or physical violence.
- Over 1/3 of people of colour report experiencing harassment in the workplace.
- Gay men and lesbians are twice as likely to be victimized by violence than heterosexuals – and the numbers are higher for bisexuals and trans people.
- One in five violent incidents occurs in the workplace (Statistics Canada 2007).

We bargain equality by negotiating:

- improved wages in sectors where women and people of colour predominate
- pay equity agreements
- across-the-board increases
- no two-tier wages
- employment equity plans – access to better-paying union jobs
- part-time jobs into full-time jobs
- women’s advocates, violence against women language
- right to refuse language based on harassment, violence, threat of violence
- anti-harassment training
- upgraded anti-harassment language (including gender identity and gender expression)
- transition policies for trans members

IMPORTANT INFORMATION ABOUT HUMAN RIGHTS LAW & COLLECTIVE

AGREEMENTS: The law says all human rights legislation is “read into” your collective agreement – this means that it’s part of your collective agreement whether the words are there are not. So, anything that is covered by human rights law can be grieved as a breach of your collective agreement. For example, if your collective agreement doesn’t include a no discrimination clause (though it should), anti-discrimination language is “read in” and discrimination based on legislated prohibited grounds can be grieved up to and including arbitration.

In bargaining we expand and improve on basic human rights and employment standards.

The law makes it clear (as does our union's Constitution) that we have an obligation in collective bargaining to represent all of our members, to negotiate language which is non-discriminatory (i.e. that doesn't undercut human rights), and to take positive action on human rights grounds.

A number of years ago the Human Rights Department produced a **Collective Agreement Equity Audit** to offer specific ideas about making changes to our collective agreement to meet all of our members' needs. Since that time a number of important human rights cases have meant that we have made gains in some areas – a new equity audit is now under construction and will be posted on our website as it becomes available.

Negotiating is never easy, and negotiating equity language is hard. By reviewing the human rights language in your Collective Agreement, you will be in a better position to support your Bargaining Committee's commitment to negotiate on behalf of all of our members -- present and future.

In the best case scenario, all of our agreements would contain every measure possible that would bring fairness to our workplaces. However, each of us will find as we go through our agreements that there are areas where we have made considerable gains on human rights, and areas that remain weak. What we actually find when we go through our agreement will be a reflection of some of the following factors:

- the employer's past and present willingness or unwillingness to include equity issues in bargaining;
- the union's historic assertiveness in bringing equity issues to the table;
- the power of the union;
- the make-up of the workforce;
- issues and grievances that have brought these issues to the forefront.

Human Rights Committees can act as an important bridge between equity-seeking groups in our union, our Bargaining Committees and the general membership (who may not always see these issues as priority).

EMPLOYMENT EQUITY

Women, people of colour, Aboriginal people and people with disabilities are over-represented in non-unionized and low-paying jobs, and under-represented in unionized, decent jobs. Studies show that this isn't due to education, it's not due to 'lack of interest' – but rather, it's due to historic patterns of job discrimination, and it's due to current discriminatory practices by employers who too often rely on stereotypes, informal networks, and outdated ideas in their hiring practices.

A union job is a decent job. And so, it's on us, as trade unionists, to make sure that these jobs are available to all.

An employment equity program is a plan that requires employers to develop and follow steps to actually make the workplace representative of the actual percentage of qualified women, people of colour, workers with disabilities, and other targeted groups in the workforce of surrounding communities.

Employment equity is designed to identify and remove hurdles that have historically resulted in the exclusion of people of colour, women, Aboriginal people, and people with disabilities from the workplace.

Employment Equity consists of the following:

- Workforce Survey
- Workforce Analysis
- Employment Systems Review (ESR)
- EE Plan
- Monitoring
- Review and Revision of the Plan

The components of the Workforce Survey & Analysis are:

- Education: work with members to explain EE process and need
- Survey: discover who's in the workplace (self-identification)
- Analysis: who's in the workplace compared to who's qualified in the surrounding community (supplied by the government)

The Employment Systems Review (ESR) is a process designed to identify barriers to employment or promotion:

- bogus job requirements (non BFORs)
- hiring practices (e.g. outreach)
- work schedules (e.g. recognizes only Christian holidays)
- workplace culture (e.g. who has access to informal training, etc.)

The ESR is just as important as establishing numerical goals.

Overall, an Employment Equity Plan:

- sets goals and timetables to eliminate barriers
- must be revised regularly to ensure that workplace equity increases, not decreases.

Is Employment Equity really necessary?

We don't rely on the 'goodwill' of employers to create healthy and safe working conditions, and it would be naïve to think that we should rely on them to hire equitably. We need strong legislation to force employers to turn the page on discriminatory hiring.

At the federal level, the Employment Equity Act used to cover not only federal employers, but also federal contractors (all employers with over 100 employees who have a contract with the federal government for more than \$200,000). That's why, for example, we were able to bargain employment equity at General Motors (a federal contractor). The federal EE Act requires the employer to "consult" and "collaborate" with the union to develop, communicate, implement and revise the EE Plan. However, the Conservative government's 2012 omnibus budget bill removed the employment equity requirement on federal contractors (making it all the more clear that we need to ensure our collective agreements include or go beyond what's written in the law, as laws can change!).

At the provincial level we don't have Employment Equity legislation (It's perhaps not surprising that one of the Mike Harris (Ontario) government's first acts in 1995 was to repeal the Employment Equity Act established by the NDP).

However, we don't need legislation to bargain employment equity – we can bring our collective power as a union to this issue. We can bargain joint committees to implement Employment Equity; in some larger workplaces we have negotiated union-side Employment Equity representatives who are responsible for negotiating and

maintaining EE plans. In most workplaces, however, negotiating and maintaining EE is up to the bargaining committee and staff representatives.

Human Rights Committees and Women's Committees can support getting EE on the negotiating table, and can use every means possible to dispel the myths about EE that have been used to divide workers and prevent real workplace fairness.

(SAMPLE) Letter of Understanding: Employment Equity

The Union and the Employer share a mutual objective in achieving a fair and representative workforce. The parties will meet to discuss their joint responsibilities in implementing employment equity [if your employer is not a federal employer add: The parties will conduct themselves as if they are covered by the Employment Equity Act.]

The Employer will compensate union Employment Equity Representatives for all time spent in achieving our employment equity objectives and complying with legislative requirements. This may include, but is not limited to the following:

- ✓ training of the membership
- ✓ education of the membership
- ✓ development of a survey
- ✓ analysis of survey
- ✓ review of potential barriers
- ✓ hiring practices
- ✓ implementation of a plan

FAQs about Employment Equity:

Human Rights Committee members need to familiarize themselves with the arguments used against employment equity, and be prepared to address these. We can do this through day-to-day conversations with members and leaders, in local union meetings, in newsletters, etc.

Why should the union demand special rights for some groups instead of for all workers?

Employment equity is about ensuring fairness for all workers. It's also about our opportunity as a union to actually have a say in hiring practices of employers. This is an

incredible step forward -- employment equity actually eats away at traditional management rights! We should be using this to its fullest potential.

Through employment equity we can actually challenge bogus job requirements – we can evaluate and challenge job qualifications that have little to do with the real requirements of a job. This can benefit all workers, including workers who have been denied access to jobs because they don't have their grade 12 education, because they aren't able to meet bogus physical strength tests, because their literacy skills (reading and writing) don't meet the employers' standards, etc.

Shouldn't employers just hire the best person for the job? Doesn't employment equity mean hiring unqualified workers?

In many, many cases the 'best person for the job' may have been overlooked because they were a woman, because they were a person of colour, or because they had a disability.

Employment equity plans mean that hiring decisions are based on the availability of qualified people. No one will benefit by hiring unqualified people, least of all members of the designated groups.

This question suggests that employers are already hiring fairly and objectively on the basis of qualifications, and that designated group members are typically not qualified. This is clearly not always the case. Designated group members have consistently been denied access to jobs for which they were qualified.

It is no secret that people from the designated groups often face closer scrutiny in the workplace from both employers and co-workers. As a result, they are often forced to meet higher standards just to prove their worth and gain acceptance. And, if a member of a designated group does not do well in a workplace, people make conclusions about all members of that group – but when a member of a majority group doesn't do well, the majority isn't judged by the one individual's performance.

Isn't employment equity just a form of reverse discrimination?

On the contrary. Employment equity seeks to eliminate the discrimination which can take place in employment. It provides opportunity for equally qualified candidates who have been denied opportunities in the past for reasons other than their abilities.

My son can't get a job because they're only hiring minorities. Why should he have to pay for discrimination that happened before he was even born?

Employment equity seeks to remove barriers faced by designated groups. It does not create barriers for others.

Employment equity is an emotional issue for many people. Some people think that employment equity will take jobs away from people who are not members of designated groups. That is just not true. In fact, employment equity promotes fair hiring practices that will help ensure that employees are hired for only one reason: their qualifications to do the job.

Let's be clear: Employment equity does not mean that employers must stop hiring men until the numbers of women go up. It simply means that among new hires women will be given the same opportunity as men. If women make up 40% of the workforce, then 40% of new hires should be women (although most employment equity plans don't even aim this high). There will still be opportunities for qualified white, able-bodied men but they will no longer receive unearned advantages because of their gender, race or able-bodied status.

For decades workers of colour and parents have had to deal with the fact that their sons and daughters were shut out of workplaces because employers practised racist and sexist discriminatory hiring. Now with employment equity, it means that all workers should have equal opportunities. Employment equity isn't about anyone 'paying for the past' – it's about eliminating employer favouritism.

Why do we need to force employers to hire from designated groups – won't it just happen over time?

We don't believe in voluntary compliance on health and safety because history shows it doesn't work. Likewise, voluntary compliance on hiring fairly has not worked either.

In our union's experience, it is only where we have had specific employment equity programs, that we have made significant progress on making our workplaces more diverse and representative (in one major assembly plant where we have such a program in place, the percentage of women in the workforce has gone up from 1% in 1989, to 15% in 2000).

Maybe women just aren't interested in work that's traditionally been done by men?

It's hard to believe women 'just aren't interested' in secure, well-paying, unionized jobs.

Having said that, it is true that historically women and people of colour have been discouraged (through streaming in schools or stereotyping) from developing certain skills or interests.

Therefore a number of steps need to be taken. Our union participates in a number of programs that are designed to address this aspect of systemic discrimination. For example, we participate in programs in high schools and in the workplace to promote women in the trades, we participate in programs to develop workers' literacy skills and English-language programs.

As a union, we pressure employers to create more secure, well-paying jobs so that there is less competition among workers for employment openings. But whether jobs are plentiful or hard to come by, it is only fair that we try to make sure that our brothers and sisters from communities of workers that have experienced discrimination over the years get their fair share of those jobs today. Yes, we need legislation, but until we're successful, we need to negotiate!

PAY EQUITY PLANS

Human Rights Committee members should become familiar with pay equity principles and plans; pay equity plans can be used as a critical tool in the struggle for gender equality – and they can make a huge difference in workers' take-home wages!

Pay Equity means equal wages for work of equal value. Pay Equity Plans are designed to:

- Review who does what work within a workplace
- Determine whether there are any gender and/or colour coded patterns (women do one kind of work, men another, etc.)
- Evaluate these jobs
- Make comparisons between jobs
- If the evaluation shows discrimination is taking place, then adjust pay scales (upwards, never downwards)
- Maintain pay equity and ensure discrimination doesn't re-occur caution: across the board percentage increases can quickly re-create the problem!)

In most cases women and men are paid differently not because they aren't working as hard, or using comparable skills, but because of historical gender patterns – the men always did certain jobs, men's work was historically considered to be more important, and women's income was considered 'secondary to the household'. The result? Women's poverty and workplace inequality.

In a pay equity study, jobs are evaluated based on:

- Skill
- Effort
- Responsibility
- Working Conditions

Do we have pay equity laws in Canada?

Yes - but not all pay equity laws are created equal.

Only Ontario and Quebec have proactive pay equity laws which cover both the public and private sector. Unions in Ontario and Quebec are required by law to negotiate pay equity plans (this means: a pay equity study, implementation, and maintenance agreement).

Other provinces have enacted pay equity legislation that cover only the public sector and don't necessarily require pay equity to be maintained (so pay gaps can re-occur). Still other jurisdictions, including federal law, have provisions in their human rights laws, which depend on an individual filing an official complaint against her employer.

Pay Equity Plans – What are the results?

We've had some amazing results.

Women workers at the Lakeside Treatment Centre in Sudbury Ontario (formerly CAW Local 598) were making very low wages supporting drug and alcohol-dependent women in the community. The Pay Equity Act allowed the union to compare the jobs the women were doing with workers in similar occupations who were working for different employers in the region (called a proxy employer).

At the end of the day, the women came out with a \$9.52 pay increase – the biggest pay equity negotiated hourly wage rate! As staff rep Collette Hooson says “When I did the calculations I actually thought I had the decimal point in the wrong place... however months later I got a letter of congratulations on what a difference we'd made in these women's lives.”

In 2006, after over 14 years of fighting for pay equity, the 4,766 Bell Canada operators in Québec and Ontario obtained a settlement of over 104 million dollars. After several unsuccessful attempts to negotiate with Bell Canada, the Communications, Energy and Paperworkers Union of Canada (CEP) lodged a pay equity complaint with the Canadian Human Rights Commission on behalf of Bell operators in 1992. The case was ultimately heard by the Supreme Court, which rejected Bell's arguments, leading to a mediation process, a tentative settlement, and over 30 ratification votes in Quebec and Ontario. Since most telephone operators entitled to compensation were either laid off or retired, the process to reach them and pay them compensation was quite emotional: most women thought that they would never see justice served. It took a

great deal of ingenuity to find all the operators concerned (or their estate if they were deceased). The whole exercise also required a humongous publicity campaign, which also served to make the public aware of the pay equity issue. After 14 years of struggle, the compensation amount reached \$35,000 per person (including a \$6,000 non-taxable settlement for moral damages). The highest payments were of \$15,000 for pay equity adjustment and of \$19,000 for retroactive pension adjustment. Pensions, from the date of settlement and for the rest of the lives of the operators, were increased by between \$10 and over \$200 per month in some cases. These payments make a real difference in the quality of life of the women involved, as witnessed by the numerous letters of thanks that the union has received.

Local Human Rights Committees can work to support bargaining committees and staff representatives in making sure pay equity gets on – and stays on - the negotiating table in your next round of bargaining. But pay equity is not just a bargaining issue – it is a human rights issue and requires that we continue our push for strong, enforceable legislation to stop employers from pay discrimination. See page 70 for information about the Education Department’s new Pay Equity Course.

Did you know? Pay Equity is the law in Ontario (covering gender but not race) but it needs stronger enforcement. The wage gap affects women of all ages, all races, all education levels and all occupations – no matter what the size of their workplace, where they work, or the precariousness of their work. In Ontario 37% of single mothers with paid employment are raising a family on less than \$10/hour. The pay gap is a major factor in child poverty.

Sample Pay Equity Contract Language

1.1 The purpose of these terms of reference is to cover all employees of the (insert workplace name & locations and local union number/name).

1.2 The parties will jointly implement a gender and race-neutral JOB EVALUATION and PAY EQUITY PLAN which will meet the criteria of the Pay Equity Act and will include these four main factors:

- i) skill
- ii) effort
- iii) responsibility
- iv) working conditions

The Job Evaluation Plan selected to evaluate the positions is the Pay Equity Plan for Small Business.

1.3 The results of this process will be a chart of all classifications showing the relative internal equity of all classifications within the bargaining unit and will indicate if further Pay Equity adjustments are required. Pay Equity adjustments to compensation rates will be deemed to be incorporated into, and form part of, the collective agreement.

1.4 The cost for this program will be paid by the employer over and above normal wage increases negotiated in collective bargaining and no employee will have their wages reduced, and shall continue to receive all negotiated increases.

1.5 The ongoing process outlined will constitute the Pay Equity maintenance process for the bargaining unit.

UNDERSTANDING AND ENFORCING THE DUTY TO ACCOMMODATE

The Duty to Accommodate is the legal requirement on an employer to remove barriers to equal participation in – and equal access to – the workplace. This is potentially one of our sharpest tools in the uphill battle for human rights, but employers can also use it to divide us.

Human Rights Committees can play an important role in supporting workers and leaders as we enforce the employer’s duty to accommodate, and in helping our members understand its importance for all of us.

There is no single formula for accommodation, and this section is not intended to provide answers for specific cases. It is, however, intended to provide an overview of the principles and elements of the duty to accommodate so that Human Rights Committee members have enough information to educate members on the general facts around the process. The union has developed specific courses for stewards, equity reps and others whose job it is to actually enforce the employer’s duty to accommodate; see the section on Education Programs in this manual for more information on Duty to Accommodate courses.

Key Principles of Accommodation

- We all need to make a living wage. Having a disability, getting hurt on the job, being pregnant, or practicing a religion that isn’t the majority should not be barriers to finding or keeping a job.
- Our membership is now more diverse. Many of our workplaces were designed with just one set of workers in mind. We have to fight to ensure that our workplaces are redesigned to meet the needs of ALL of our members.
- We fight for the right to work with dignity without being held to irrelevant standards by the employer.
- Disability is on the rise with an aging workforce. We need to be proactive to ensure that our jobs are designed to prevent injury.

- We have a legal responsibility to participate in accommodating workers. And, we face liability if we fail to do so.
- Accommodation can be divisive if handled badly. But when it is done well it can help build the union.
- Accommodation usually results in changes that benefit a number of workers, sometimes all the workers. And, it usually opens doors for a diverse future workforce too.

What is Accommodation?

Workplace accommodation means removing barriers to equal participation in – and equal access to – the workplace. Employers must find ways to accommodate all workers in their workplaces, regardless of gender, disability, religion, family status, race, age, etc.

Accommodation may include:

- Modifying / adapting / adjusting the existing jobs
- Re-evaluating biased standards and practices
- Changing work organization demands or methods
- Providing assistive devices
- Physically changing the work area or equipment
- Looking to other (vacant) jobs in the bargaining unit
- Looking to jobs outside the bargaining unit
- Creating new jobs (bundling jobs, etc.)
- Looking to other (non-vacant) jobs in bargaining unit (usually a last resort)

There are three key actors in the process:

1. Employers
2. the union
3. and the worker

Together, they must cooperate to remove barriers and make the accommodations that are required.

Duty to Accommodate & the Law

Canadian Human Rights Act (CHRA): Discrimination in Employment (s.7). It is a discriminatory practice, directly or indirectly:

- a) to refuse to employ or continue to employ any individual, or
- b) in the course of employment, to differentiate adversely in relation to an employee, in respect of a prohibited ground.

Bona Fide Occupational Requirements/Qualifications

- Section 15 of the CHRA deems certain actions not to be discriminatory where they are based on a bona fide occupational requirement (or BFOR, for short)
- A BFOR is a standard or rule that is integral to carrying out the functions of a specific position.
- For a standard to be considered a BFOR, an employer has to establish that any accommodation or changes to the standard would create undue hardship.

The onus is on the Employer to show:

- it adopted the standard for a purpose rationally connected to the performance of the job;
- it adopted the standard in an honest and good faith belief that it was necessary to fulfil the legitimate work-related purpose; and
- the standard is reasonably necessary to accomplish that legitimate work-related purpose and that to accommodate workers outside of that standard would impose undue hardship

Undue Hardship

An employer must accommodate an employee up to the point of undue hardship. This means:

- where costs would be prohibitive to the point that they would alter the nature, or substantially affect the viability of an organization

And

- where health and safety considerations outweigh the benefits of the accommodation

The onus is on the employer to show undue hardship. *In Ontario, this has been interpreted by the courts as up to the point of bankruptcy.

Accommodation outside an employee's existing job

Where a reasonable accommodation cannot be arranged by modifying an employee's existing job, other solutions may be considered:

- transfer to another job within the employee's classification;
- assignment of tasks from a number of jobs within the employee's classification
- assignment of tasks from inside and outside the employee's classification

Undue Hardship & Seniority Rights

Arbitrators and Courts have considered factors other than those listed in legislation to be relevant including the impact on the bargaining unit:

- Accommodation should not disrupt the collective agreement if possible
- Legitimate morale of other employees is a consideration in assessing accommodative measures
- Actual interference with the collective agreement must be substantial before undue hardship will be found

Seniority Accrual

- workers absent due to disability must accrue seniority. They must not be disadvantaged in the calculation of their seniority because of an absence from work due to disability.
- Absences due to disability must not be counted in disciplinary attendance management programmes.

Does the DTA allow displacement of an incumbent?

Possibly.... You must consider:

- What are the circumstances of the worker with the disability?
- Does the disabled worker have the seniority to be in the workplace?
- Are any other forms of accommodation available?
- What is the collective agreement language on job posting and job ownership?
- What are the consequences to the incumbent worker being displaced?

Co-operation of the Employee

- No right to "perfect accommodation"
- Decision makers are becoming tougher on the accommodation seeker

UNDERSTANDING AND ENFORCING A WORKPLACE HARASSMENT POLICY

Workplace harassment isn't simply a personal problem. It's a health and safety issue, a political issue, and a union issue. Our commitment to preventing and resolving harassment is grounded in a working-class perspective on human rights – we need to stop division amongst our members and we need to hold employers accountable for harassment-free workplaces. Dealing with harassment is fundamental to representing our members, strengthening our union & building a broader social justice movement.

Harassment needs to be dealt with – but it needs to be dealt with well. Unifor has produced a **Pocket Guide on Investigating and Resolving Workplace Harassment** that lays out processes and procedures for ensuring our members who experience harassment get the support they need, and that due process is followed in all cases. Your Human Rights Committee should have copies and can help ensure that all newly elected leaders get copies too. Contact the Unifor workroom at 1-800-268-5763, or search for it on our website at www.unifor.org.

We can negotiate workplace anti-harassment training for all workers in our workplaces during collective bargaining, or as part of a resolution to a workplace harassment situation. Contact the Human Rights Department for details on our 4-hour and 8-hour course. As well, the Education Department has developed programs for members and activists on Workplace Harassment and **a specialized course for those responsible for investigating workplace harassment.** See the “Education Resources” section of this handbook for details.

The goals of a workplace harassment resolution process are to: stop the behavior; make sure the behaviour doesn't reoccur; replace loss; educate.

Human rights committees can play a critical role in building respectful workplaces by:

- ensuring there is anti-harassment training for all members;
- making sure leadership have the tools and education they need to investigate and resolve harassment complaints;
- educating members about the importance of fair process, and making people aware of the steps in the process;
- stopping the rumour mill;
- being allies to workers who report experiencing harassment;
- always maintaining confidentiality and asking others to do so.

A Quick Word on Intent vs. Impact

What matters in human rights cases is not whether someone intended to discriminate, what matters is whether or not there was an effect of discrimination (was there an impact?).

The courts have ruled that intent is not necessary for human rights abuses to have taken place.

When someone says: “I didn’t mean to hurt you, so I can’t understand why you’re hurt?” or “I didn’t mean to hurt you, so you can’t possibly be hurt” – does that hold water?

No. It might mean you’re more open to an apology, or it might make the hurt go away faster, but the damage has still been done.

Let’s face it, if an employer has a policy that has the result of excluding women from a job, even though they don’t have a “no women need apply sign” out front, then women who could do the job don’t get the opportunity. That’s the bottom line – not whether the employer intends to be exclusionary.

This is what matters in a court of law, and this is what we need to pay attention to – what is the impact and how do we redress it?



Harassment in the Workplace Policy

Harassment is not a joke. It is cruel and destructive behaviour against others that can have devastating effects. Harassment, by co-workers in particular, is contrary to our basic union principles of solidarity and equality.

It is an expression of perceived power and superiority by the harasser(s) over another person, 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, activism and participation in the union.

Harassment on any of these grounds can be made the basis of a complaint to most provincial and federal human rights commissions.

Harassment can be defined as any unwelcome action by any person, in particular, by management, customer, client and/or co-worker, whether verbal or physical, on a single or repeated basis, which humiliates, insults or degrades.

“Unwelcome” in this context means any actions which the harasser knows, or ought reasonably to know, are not wanted by the victim of the harassment.

Sexual harassment is any unwanted attention of a sexual nature, such as remarks about appearance or personal life, offensive written or visual actions, like graffiti or degrading pictures, physical contact of any kind, or sexual demands.

Racial harassment is any action, whether verbal or physical that expresses or promotes racial hatred in the workplace such as racial slurs, written or visually offensive actions, and jokes or other unwanted comments or acts.

Harassment based on religion includes defamation of religious imagery, mockery of religious practices, customs or religious wear, etc. It may involve singling out a person or a group for mistreatment based on their actual or perceived religion.

Bullying and personal harassment are deliberate actions such as 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, which may include teasing, ridicule, mobbing, repeating gossip or any other act or words that could psychologically hurt or isolate a member from other members, clients or peers. The policy includes any member in any type of relationship for example, domestic, intimate, common law partnerships.

By pitting certain groups of workers, such as women or workers of colour, against others, harassment creates a climate of intolerance and division among the membership. By eroding our unity and strength, it can weaken our effectiveness at the bargaining table or on a picket line.

It is the responsibility of management to ensure that the workplace is free of harassment. But just leaving the issue up to management is not good enough. Many of our employers still do not have harassment policies and processes to deal with complaints. If that is the case, we urge all locals to use the following procedure set out in this policy. Further, we strongly recommend that locals negotiate in their collective agreement the UNIFOR Harassment in the Workplace policy including the joint procedure.

Our goal as a union must be to help create a workplace environment free of harassment. That means not only dealing with complaints when they arise, but also watching for instances of harassment and confronting the source.

The role of local union is crucial in combating harassment. If a worker believes that he or she is being harassed at work and wants help, the incident must be brought to the immediate attention of the unit chairperson and the local union president.

The experience of harassment can be overwhelming for the victim. People often react with shock, humiliation and intense anger. Therefore, the victim of harassment may not always feel comfortable going through the normal channels for resolving such a problem.

Because of the sensitive and personal nature of harassment complaints, especially racial and sexual harassment; the victim may prefer initially to seek other assistance. This could be any local union elected person or official, including a workplace women's advocate, member of the women's committee, human rights committee and employment equity committee. This person could assist the harassment victim in bringing the incident(s) to the attention of the top local union leadership.

The local union president and the unit chairperson must contact the UNIFOR national representative, and if necessary, they will meet with a senior employer representative(s) to carry out an investigation. The issue must be handled with confidentiality, and is to be resolved within 10 working days of notifying the unit chairperson and local union president. An extension to the ten day time limit may be granted with written request to the National President's office.

The national representative must notify the UNIFOR national human rights department about the complaint and its resolution.

Any resolution of harassment complaint must reflect the serious nature of such acts, and send a clear signal that they will not be tolerated.

All of us, as union members must challenge harassment whenever it occurs. We must ensure that the dignity of our brothers and sisters is not threatened by harassment.



Workplace Harassment Model Language

Workplace Harassment - Basic

The Employer and Unifor are committed to providing a workplace free of harassment, bullying and violence. This procedure applies to all complaints of harassment that take place at this workplace. The workplace is defined as any employer facility and function including but not limited to areas such as offices, shop floors, rest rooms, cafeterias, lockers, conference rooms and parking lots.

Harassment is defined as a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome, that denies individual dignity and respect on the basis of the grounds such as: sex, race, creed, colour, religion, ethnic origin, place of origin, sexual orientation, political affiliation, gender identity, gender expression, marital status, family status, disability, conviction for which a pardon has been granted, age, social and economic class, activism and participation in the union, or language and any other prohibited ground, as stated in the provincial/federal Human Rights Code by any person, in particular, by management, customer, client and/or co-worker, whether verbal or physical, on a single or repeated basis, which humiliates, insults or degrades. All employees are expected to treat others with courtesy and consideration and to discourage harassment.

“Unwelcome” or “unwanted” in this context means any actions which the harasser knows, or ought reasonably to know, are not desired by the victim of the harassment.

Harassment may take many forms: verbal, physical or psychological. It may involve a threat or an implied threat, it may be that acceptance of harassment is perceived to be condition of employment. The following examples constitute harassment, but are not meant to cover all potential incidents:

- Unwelcome remarks, jokes, innuendos, gestures or taunting about a person’s body, disability, attire or gender, racial or ethnic backgrounds, colour, place of birth, sexual orientation, citizenship or ancestry;
- Practical jokes, pushing, shoving, etc., which cause awkwardness or embarrassment;
- Posting or circulation of offensive photos or visual materials;
- Refusal to work or converse with an employee because of their racial background or gender, etc.
- Unwanted physical conduct such as touching, patting, pinching, etc.
- Condescension or paternalism which undermines self-respect;
- Backlash or retaliation for the lodging of a complaint or for participation in an investigation.

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 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 using any form of media in verbal communication and/or in psychological manipulation but are not limited to:

- Abusive and offensive language;
- Insults;
- Teasing; or
- Spreading rumour and innuendo
- Unfair blame for mistakes;
- Deliberate exclusion;
- Practical jokes;
- Belittling or disregarding opinions or suggestions; or
- Public criticism

Joint Process:

The Employer and Unifor agree to form a **Joint Building a Respectful Workplace Committee** whose function shall be to investigate complaints and help create a respectful workplace. This committee will comprise of equal number of representatives (2) selected by the employer and by the union. At least one (1) member of this committee from each side must be a woman. The parties agree that the representatives are required to be independent and not responsible for disciplinary decision making.

All committee members (and any subsequent committee members) shall receive the agreed to Unifor Workplace Harassment Investigation Training and any agreed to or needed refresher or advanced training courses.

All employees must receive Unifor's half-day Building a Respectful Workplace training by (a specific date). All new employees will receive this training as well. Additionally, all union representatives and members of management shall receive three-day "Building a Respectful Workplace Leadership" training.

The Employer agrees to be responsible for all course costs including Unifor's facilitator(s), any travel costs, materials etc.

The Employer and Unifor agree to the following process for investigating any complaints of harassment, discrimination and bullying.

Filing a complaint:

If an employee believes he/she has been harassed and/or discriminated against there are specific actions that may be taken to put a stop to it:

- Request a stop of the unwanted behaviour;
- Inform the individual that is doing the harassing or the discriminating against you that the behaviour is unwanted and unwelcome;
- Seek assistance from any union representative;
- Document the events, complete with times, dates, location, witnesses and details;
- Report the incident to the Joint Building a Respectful Workplace Committee.

However, it is also understood that some victims of discrimination or harassment are reluctant to confront their harasser, or they may fear reprisals, lack of support from their work group, or disbelief by their supervisor or others. In this event, the victim may seek assistance by reporting the incident directly to any Union representative or any Union member of the Joint Building a Respectful Workplace Committee before taking the complaint to this committee in writing. If the employee believes her/his safety is in jeopardy s/he can exercise right to refuse unsafe work.

Investigation:

Upon receipt of the complaint, the contacted Union Representative/Employer Official or Joint Building a Respectful Workplace Committee will immediately inform their Union or Employer counterpart and together they will then interview the employee and advise the employee if the complaint can be resolved **immediately** and informally or if the complaint should be formalized in writing. Properly completed copies of this complaint will be forwarded to the agreed upon Joint Building a Respectful Workplace Committee. The Respondent will be provided with sufficient details of the allegations, either verbally or in writing, to formulate an appropriate response to those allegations and give their version of events.

A formal investigation of the complaint will then begin by the Joint Building a Respectful Workplace Committee as follows:

■ The Joint Building a Respectful Workplace Committee determines any preliminary matters. This committee will appoint at least one (1) representative selected by the employer and at least one (1) representative selected by the union from the trained committee members each side have available to conduct investigations. The committee must meet to begin their investigation as soon as possible but no later than five (5) working days after receiving the written complaint. All investigation meetings and or work shall be done on employer paid time.

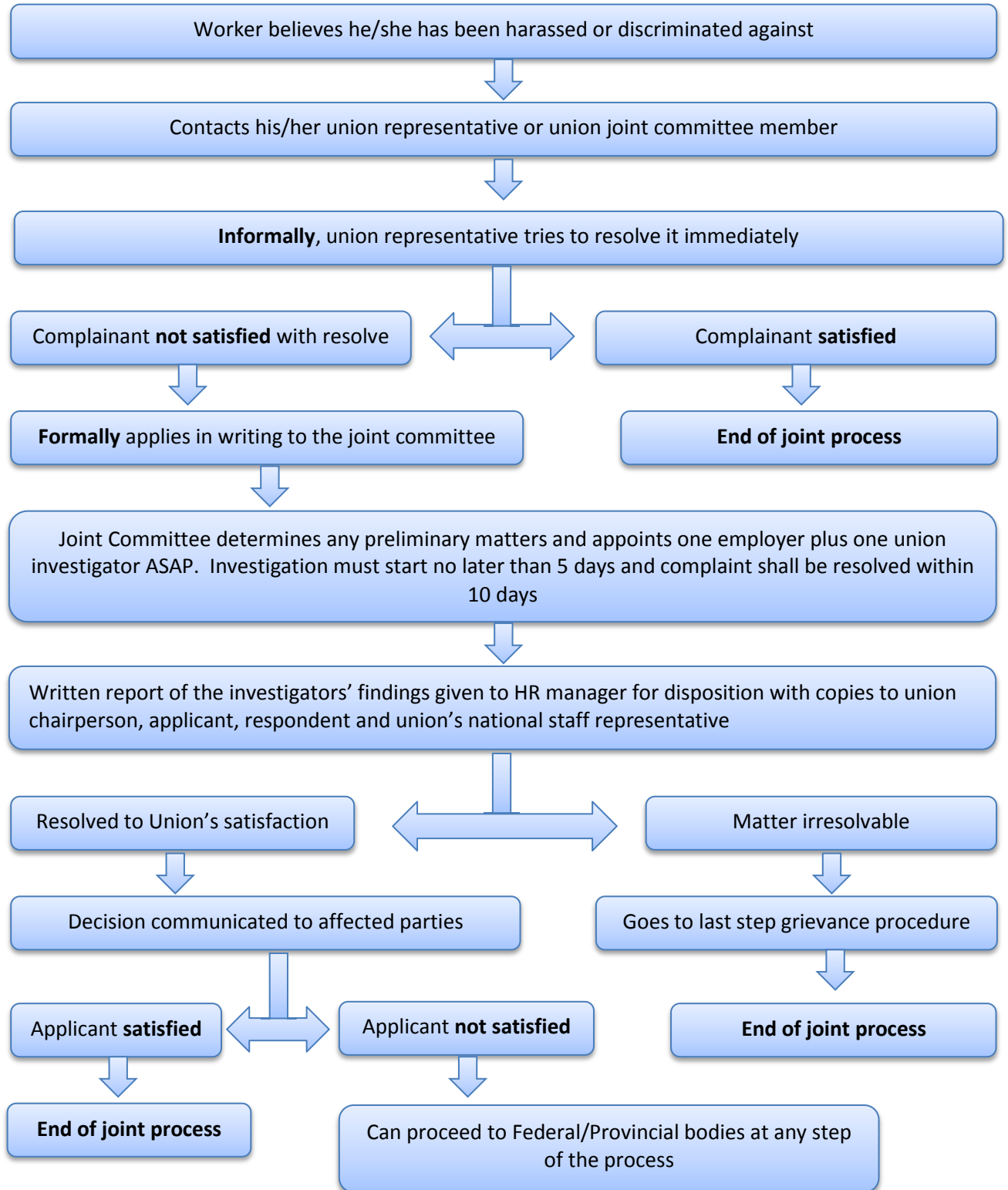
- Any employee who is to appear before such committee may request to have an independent union representative or member present as a witness for them during any part of the investigation they are part of.
- Where the Complainant is a woman and the complaint involves sexual harassment or gender discrimination, the Joint Investigation Committee will include at least one woman from each side.
- The issue must be handled with utmost confidentiality, and is to be resolved within ten (10) working days of notifying the joint committee with a complaint in writing. Once the committee has finalized their investigation, a written statement of their findings shall be given to the human resources manager for resolution. Copies of which shall be given to the union chairperson, the applicant and the respondent. This report is confidential and must be treated as such, unless required to be produced by law or by an arbitrator. All documents related to the investigation will be stored in a secured location. A copy shall be sent to the assigned Unifor National Representative as well. The National Representative shall notify Unifor's human rights department about the complaint and its resolution.
- The committee shall not be used to determine discipline in any way but rather that remains the exclusive function of the employer. Any discipline implemented by the employer that is based on the report shall be done as per the existing practices and collective agreement including the right to grieve and arbitrate any such discipline.

If the matter remains unresolved because the joint committee cannot reach a consensus, the complaint will be inserted into the last step of the grievance procedure for resolution. In the event that the complaint is not resolved by the parties at the last step of the grievance procedure, the union may refer the matter to arbitration in accordance with the provisions of the collective agreement.

The parties agree that this procedure is an alternative complaint mechanism and as such, complaints should not be pursued through both the grievance procedure and the Human Rights Complaint Procedure. However, the parties acknowledge the right of individuals to file a complaint with the appropriate Federal/Provincial bodies and to seek redress. Note that these federal/provincial bodies have specific timeframes as to when the complaint must be filed. When a complaint is filed under this procedure, it should be noted that statutory time limits are not extended. However the grievance procedure is put in abeyance/suspended until the joint workplace harassment process is completed.

The pursuit of frivolous allegations through the Human Rights Complaint Procedure has a detrimental effect on the spirit and intent for which this policy was rightfully developed and should be discouraged.

Workplace Harassment Joint Process Chart





Unifor Harassment Policy for Union Events

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.

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 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 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:

- Abusive and offensive language;
- Insults;
- Teasing;
- Spreading rumour and innuendo;
- Unfair blame for mistakes;
- Deliberate exclusion;
- Practical jokes;
- Belittling or disregarding opinions or suggestions;
- Public criticism.

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 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.

Harassment, bullying and violence complaints at Unifor events will be taken seriously and will be dealt with immediately.

If you believe you have any of the above issues, you can take action:

1. If possible, make it clear you do not welcome such behaviour. You can do so either on your own, verbally or in writing, or with the assistance of another party. Indicate that you will take further action if the behaviour continues.
2. If the inappropriate behaviour persists, approach one or more of the designated ombudspersons who will attempt to resolve the matter informally and quickly. You may ask the designated ombudsperson (s) for help right away - If you are unwilling to approach the harasser directly.
3. Each incident will be handled confidentially and quickly, with particular sensitivity for the complainant.
4. The resolution at this stage would include, but not be 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.
5. Where the matter cannot be resolved informally, the Complainant may file a formal complaint in writing to the National Anti-harassment Coordinator at the national office. The designated ombudsperson(s) will provide you with specific procedures to do so.

FOR THIS UNIFOR FUNCTION, YOUR DESIGNATED OMBUDSPERSON(S) WILL BE:

ALL MESSAGES WILL BE TREATED CONFIDENTIALLY.

UNIFOR / HARASSMENT POLICY FOR UNION EVENTS
205 Placer Court, Toronto, ON M2H 3H9. (416) 497-4110, 1-800-268-5763

LOCAL UNION EQUITY

Checklist for Equity in the Local Union

Human Rights Committees can work with other standing committees to find out answers to some of these questions, and work toward making the local union accessible to all of its members.

	Yes	No	Don't know
Is childcare available at union meetings?			
Is your collective agreement translated into the languages used in the workplaces?			
Are union meetings scheduled so that they do not conflict with major religious holidays practised by union members?			
When there are family events run by the union, is it clear that this is open to all families, including same-sex families?			
Is the place where you hold union meetings and special events accessible to people with disabilities?			
Do you advertise that meetings are accessible?			
Are notices about union meetings published in more than one language (i.e. in the languages used by members in our workplaces)?			
When conferences / caucuses / issues that deal with gay, lesbian bisexual and trans members are announced, are they treated with maturity and respect?			
Are sign language interpreters, if required, available for your local union meetings?			
Does your local union get involved in confronting racism within the community?			
Does your local union human right committee actively support LGBT issues? Take part in Pride parades or other events?			
Has your local union actively taken steps to encourage the participation of members with disabilities?			

	Yes	No	Don't know
Does your local union have an action plan in place to counteract some of the negative stereotypes about people with disabilities?			
Does your local union have affirmative action seats on the local union executive?			
Does the local union offer translation into any language other than English during union meetings?			
Does the local union support the work of human rights committees, women's committees, and worker of colour and LGBT caucuses?			

Resolving Internal Union Conflict

For the most part things go well in our local unions: people are respectful, we work together to maintain solidarity, and we act with integrity. And, if things go off the rails, we are usually able to use our mediating skills, principles of solidarity, and good sense to get things back on track.

Occasionally, however, more major conflicts arise within our unions. Sometimes they are based on human rights issues. Sometimes when we are in disagreement with others we reach for hurtful language that society has taught us.

Union members need to know:

We have a Unifor Harassment Policy. It applies to all union events, educationals, meetings, etc. Harassment (including cyber-bullying, inappropriate use of websites, computer equipment, etc.) must not be tolerated within the union. Investigations and resolution processes are similar to our workplace policies, and the national union must be advised and may be involved in investigations.

Harassment at union events often cuts more deeply than harassment in our workplaces. It directly attacks our sense of community. The union belongs to all of us – harassment creates barriers to full participation and engagement. Each of us must play a role in actively ensuring that the lines of dignity and respect are not crossed. We have a collective responsibility to each other.

We have an Oath of Office that includes upholding human rights. When elected union leaders are sworn in they agree to uphold basic trade union and human rights principles as part of their duties of representing their members. There is a recall process for removing an officer who is found to have seriously breached their duties or acted outside these principles.

We have an Appeal Process. If a member feels that their human rights or harassment case (within the workplace or the union) has not been adequately dealt with by the local union they can submit an appeal to the membership under the process outlined in the Constitution and/or local union by-laws.

Our appeal process includes a Public Review Board. Union members have a wide right to appeal actions, decisions, failures or refusals to act on the part of the National Union, the National Executive Board (NEB), any administrative arm of the National Union, a Local Union, or any of its units, committees, officers, Committeepersons or stewards, or

any other subordinate body of the National Union. The normal route of appeal, except where the Constitution makes specific provision otherwise, is first to the membership or delegate body immediately responsible, second to the National Executive Board, unless the appeal begins there, and third to the Public Review Board. The Public Review Board consists of nationally recognized citizens outside the labour movement, whose decisions are final and binding. It should be noted that with regards to appeals concerning the handling of a grievance or other issue involving a collective bargaining agreement, the Public Review Board has no jurisdiction unless the appellant has alleged before the National Executive Board that the matter was improperly handled because of fraud, discrimination, or collusion with management, or that the Union's decision had no rational basis (see www.unifor.org for a copy of the Constitution, Article 18).

The member also has the right to file a complaint with the appropriate provincial or federal Labour Board, alleging that the union has breached its duty of fair representation. At this point, documentation becomes especially important in demonstrating whether the union did indeed follow correct processes.

We have legal responsibilities. We have a duty to uphold human rights legislation, and we have a duty to represent our members. If a member feels the union has failed to represent them, the member may ultimately decide to file a failure to represent charge against the union with the Labour Board. These are extremely serious charges and, while they're intended to rectify a situation, can be extremely difficult for all those involved.

Mediation may be an option. If there is an issue within the local union it may be that an informal resolve is possible. Mediation requires both sides being willing to work things out, but the results can be much more satisfying and longer lasting, the process much shorter, and the return to a healthier environment more likely. If you think there's an issue that can be resolved through mediation, contact the Human Rights Department for assistance.

Allies

Human Rights Committee members are allies, and they help build develop new allies. Being an ally takes work and on-going commitment – we can all become better allies. Human Rights Committee members are held to a higher standard on human rights issues, and we need to live up to that not only in our union life and work life, but in our personal (including facebook) lives. The next few pages are designed to help us live up to commitments we've made to ourselves and the union.

An ally is someone who joins others in their struggle to challenge oppression.

An ally understands that in addition to class divisions in Canadian society, there is discrimination based on sex, race, disability sexual orientation and age.

An ally realizes that oppression is bigger and older than any one of us. They understand that solutions come from taking action with others in a strategic way.

Allies realize that discrimination against others sometimes results in advantages to them. They recognize the injustice of any worker benefiting from the denial of rights to other workers. They are open to learning more about unearned privileges and actively do so.

An ally knows it's important to step back so that others can step up.

An ally considers all issues associated with discrimination as union issues. All union forums are appropriate places to address these issues. There may be differences in approaches and perspectives on what may be the most effective strategy, but an ally is clear that these are issues of high priority.

An ally understands the need for measures designed to correct the effects of discrimination. They understand that even when there is no intent to discriminate the impact is what matters. And they know that simply treating everyone the same won't bring an end to historical injustice and long-standing patterns of discrimination.

An ally has a spirit of solidarity and support towards the struggles of women. They recognize that members of equity seeking groups want to have their own voices heard and have a right to lead their own battles. Allies respect that right.

An ally sees other people as partners in the struggle for equality. They recognize commonalities and differences among us. They see another person's inexperience with respect to union activity as an opportunity to bring new energy and perspectives to the union and the struggle for equality. They exercise patience and share their experience. In return, they learn. We all benefit.

An ally listens, listens, listens, listens, listens, ...

(Source: Adapted from the Public Service Alliance of Canada's National Women's Conference)

Six Steps to Speaking UP

Whatever situation you're in, remember these six steps to help you speak up against everyday bigotry. In any situation, however, assess your safety, both physical and emotional. There is a risk, and that must be acknowledged as you make your own choice to Speak Up!

Be Ready. You know another moment like this will happen, so prepare yourself for it. Think of yourself as the one who will speak up. Promise yourself not to remain silent.

To bolster your courage, have something to say in mind before an incident happens. Open-ended questions often are a good response. "Why do you say that?" "How did you develop that belief?"

Identify the Behaviour. Sometimes, pointing out the behaviour candidly helps someone hear what they're really saying: "Janice, what I hear you saying is that all Mexicans are lazy" (or whatever the slur happens to be). Or, "Janice, you're classifying an entire ethnicity in a derogatory way. Is that what I hear you saying?"

When identifying behaviour, however, avoid labelling, name-calling or the use of loaded terms. Describe the behaviour; don't label the person. If you simply call someone a racist, a wall goes up.

Appeal to Principles. If the speaker is someone you have a relationship with — a sister, friend or co-worker, for example — call on their higher principles: "Jen, I've always thought of you as a fair-minded person, so it shocks me when I hear you say something that sounds so bigoted."

"Appeal to their better instincts, remember that people are complex. What they say in one moment is not necessarily an indication of everything they think."

Set Limits. You cannot control another person, but you can say, "Don't tell racist jokes in my presence anymore. If you do, I will leave." Or, "My workspace is not a place I allow bigoted remarks to be made. I can't control what you say outside of this space, but here I ask that you respect my wishes." Then follow through.

"The point is to draw a line, to say, 'I don't want you to use that language when I'm around.'" Even if attitudes don't change, by shutting off bad behaviour, you are limiting its spread. Fewer people hear it or experience it.

Find an Ally/Be an Ally. When frustrated in your own campaign against everyday bigotry, seek out like-minded people and ask them to support you in whatever ways they can.

And don't forget to return the favour: If you aren't the first voice to speak up against everyday bigotry, be the next voice.

Be Vigilant. Remember: Change happens slowly. People make small steps, typically, not large ones. Stay prepared, and keep speaking up. Don't risk silence.

"If you don't speak up, you're surrendering part of yourself. You're letting bigotry win."
Bob Carolla, spokesperson for the "National Alliance for the Mentally Ill (USA)"

Adapted from: Teaching Tolerance: A Project of the Southern Poverty Law Centre

Hiding Places:

We all have creative ways of excusing ourselves when our gut tells us to speak up. Some people call these “hiding places” – they prevent us from being as strong an ally as we’d like to be. Do any of these ever get in your way of doing the right thing?

“I think he just meant it as a joke.”

“You don’t rat on a fellow co-worker.”

“I’ll get killed if I say anything.”

“I might say the wrong thing and make it worse.”

“Everyone gets kicked around in here – this is no worse”

“The victim’s not complaining, why should I?”

“Nothing ever happens if you complain anyway”

“It’s management’s responsibility. Let them fix it.”

“I’m already labelled a troublemaker. Speaking up will make it worse.”

“I didn’t see it happen and there’s always two sides.”

“They’re pretty messed up, I think they might be a bit paranoid and overly sensitive.”

“I can’t afford that politically right now.”

Adapted from an activity developed by Barb Thomas & D’Arcy Martin, CUPE 2005

KNOWING THE ISSUES

Issues related to: Dis/Ability

Most of us are temporarily abled - which is one way of acknowledging that there will likely be a time in all of our lives when we experience disability. Some of us are born with a disability, or several disabilities; we may acquire a disability later in life – through accident, injury, illness; our disability may be workplace-related; we may have ‘invisible disabilities’ – like diabetes, learning challenges, mental health issues; we may have age-related disabilities.

And yet despite the fact that disability is, or will be, our common experience, both our society and our workplaces operate as if it is an anomaly – a rare circumstance, a ‘personal tragedy’, something to be pitied, or ashamed of, or ignored.

Our communities and our workplaces are designed with a fictitious “normal person” in mind as if disability weren’t in fact, normal. The reality is that most of us will require some kind of accommodation at some point in our lives - if only for a knee replacement. But when we do, we will need supports in place – we will need job security, we will need the assurance that we won’t be thrown out on the scrap heap, we will need medical coverage, and we will need time off. These are the things we fight for. If we are seeking employment, we want assurances that we won’t be stereotyped - or not hired – because of our disability. And we may need a modified work station or routine – because we’re simply not all the same.

As trade unionists we take a working-class perspective on disability. People with disabilities need and deserve meaningful work – we all need to feed our families and we all deserve to be treated with respect and dignity. We will not allow our worth as people to be measured by how much we contribute to the GDP or the bottom line, or how well we fit the mould.

Human Rights Committees can stop discrimination against people with disabilities by demanding fair hiring processes, by holding governments accountable for providing adequate services for people with disabilities, by ensuring those who work with disabilities have decent conditions, by taking proactive steps to ensure that workplace accommodations don’t result in harassment of people with disabilities, or unfair workload on others which fuels divisions in our membership, and ensuring that leadership and stewards get the training they need on accommodations. At the same time, Human Rights Committees can take meaningful steps to ensure people with disabilities have opportunities as activists and leaders in our union.

Lexicon

INSTEAD OF	PLEASE USE
Autistics or “the autistics”	Person with autism or has autism.
Birth defect	Congenital disability, blind from birth, deaf from birth.
Blind	A person with no vision or almost no vision is blind. People with some sight are partially sighted, visually impaired or have low vision, not partially blind.
Brain-damaged	Brain-injured.
Confined to wheelchair, wheelchair bound	Person who uses a wheelchair (a wheelchair provides mobility for people who cannot walk. It is not confining.)
Crazy, insane	Person with a mental illness.
Crippled	Disabled or be more specific, walks with crutches or leg braces or uses a mobility aid.
Deaf and dumb, deaf-mute	Deaf (person with profound hearing loss who communicates by sign language deafened (deaf later in life) culturally deaf (exposed to sign language since birth or early in life)
Epileptic	Person with epilepsy.
Fits, spells	Seizures.
Handicap	Person with a disability.
Hearing-impaired	Hard of hearing (person with any degree of hearing loss who communicates primarily by speech).
Lupus sufferer	Person with lupus.
Mongolism	Down’s Syndrome
MS person	Person who has multiple sclerosis.
Normal	Not to be used as opposite to disabled. Say disabled and non-disabled or disabled and able-bodied, or use more specific terms such as sighted, ambulatory.
Physically challenged	Physically disabled.
Mentally retarded	People with developmental disabilities, developmentally disabled.
Stutterer	Person with a speech impairment.
The disabled	People with disabilities. Disabled people do not want to be categorized as “the disabled”.
The blind	People who are blind.
The deaf	People who are deaf.
The deaf-blind	Deaf-blind people (people who have varying combinations of visual and auditory impairments).
TO BE AVOIDED	Afflicted - Suffer/sufferer - Victim

Lesbian, Gay, Bisexual & Trans Workers and Homophobia/Transphobia

Our union can be proud of the work we have done on LGBT issues over the past twenty years. In fact, the work of unions in Canada has been fundamental to Canada becoming a leader on LGBT equality rights. Unions fought for workplace same-sex pensions, for anti-discrimination and anti-harassment language, and continue to fight for rights for trans people. But our work isn't just at the bargaining table – LGBT activists and our allies in union leadership have pushed for changes in legislation to make discrimination based on sexual orientation – and gender expression/identity – illegal.

But legal equality isn't the same as social equality. Homophobia and transphobia are still major issues affecting our members' lives.

Human Rights Committees can take an active role in bringing about greater social equality by:

- Understanding the issues (read and distribute copies of "To Our Allies: Everything you ever wanted to know about LGBT issues . . . well, maybe not everything" – available from our workroom 1-800-268-5763 and on our website at www.unifor.org)
- Making sure leaders understand the issues, including issues of our trans members (help distribute copies of *"Workers in Transition: A guide for union leaders"*, also available from the workroom and on the website)
- Check your collective agreement. Does it specifically include the words "gender identity", "gender expression" and "sexual orientation" in the harassment and discrimination clauses? If not, contact your bargaining committee.
- Support Pride caucuses and networks
- Attend pride parades
- Get involved in May 17th activities - bring it to your workplace (International Day against Homophobia and Transphobia)
- Support sending LGBT members to pride conferences & the Pride Activist PEL program
- Encourage and support LGBT members running for union office (be part of keeping campaigns harassment-free)
- Ask ourselves – would a worker be safe/comfortable transitioning (male to female or female to male) in our workplace? In our local union? If the answer is no, think about what our committee can do to change that.
- Don't out people.
- Don't stop at "tolerance" – LGBT members deserve a lot more than that. Read and help distribute the union's Pride in Print newsletter.
- Support local groups, like PFLAG and EGALÉ.
- Support LGBT members running for elected union positions.

Women

Over a third of our members are women: Aboriginal women, women of colour, white women, lesbian, bisexual and trans women, women with disabilities, young, old and middle-aged women.

Together women and men in our union fight for decent jobs, for healthy and safe workplaces, for good benefits, for shorter work days and longer vacations. But there is also a gender dimension within each of these struggles, and there are additional struggles that women consider equally 'bread and butter' issues that too often get taken up only as 'women's issues' – like maternity and parental leave, family leave provisions, childcare, harassment.

Human Rights Committees need to work with our Women's Committees, networks and caucuses both to support one and other's work – so much of which overlaps – and to make sure each other is taking all the issues into consideration. A Women's Committee can slip into thinking mainly about issues from white women's perspectives; a Human Rights Committee can focus on racism and neglect gender issues... we need to support each other's analysis and each other's work.

Women's movements have made important advances, certainly in large part due to efforts of union women and bargaining, but there's still so much more to be done. According to Statistics Canada (2010):

- On average, full-time women workers still earn only 71 cents for every dollar men earn. Until we organize more women into unions (where the gap between men and women is 93%), this will continue.
- Women are grossly over-represented in the lowest paying jobs in Canada, and grossly under-represented in the highest paying jobs. Women outnumber men in nine of the 10 lowest paying occupations.
- Women's discriminatory pay affects them from their first jobs continuing into retirement: young women graduating from high school earn 27% less than male high school graduates, and the median income of retired women is half that of men (42% of elderly women live in poverty).
- On average, women with university degrees earn 32% less than men with university degrees.
- Women of colour, Aboriginal women, senior women, and women with disabilities face the highest rates of poverty in our society.

- Single mothers do an incredible job of raising children and trying to make ends meet (against the odds). But instead of being recognized for their efforts, they face prejudice and judgement.
- Women are grossly under-represented in Canada's political system. Women make up 51% of the population, but only 24.6% of the Members of Parliament (2013).

Violence Against Women:

- On average, every six days a woman in Canada is killed by her intimate partner. In 2009, 67 women were murdered by a current or former spouse or boyfriend (*Homicide in Canada*, Statistics Canada, Vol 30:3, 2009).
- On any given day in Canada, more than 3,000 women (along with their 2,500 children) are living in an emergency shelter to escape domestic violence (*Family Violence in Canada: A Statistical Profile*, Statistics Canada, 2009).
- Each year, over 40,000 arrests result from domestic violence—that's about 12% of all violent crime in Canada. Since only 22% of all incidents are reported to the police, the real number is much higher (*Family Violence in Canada: A Statistical Profile*, Statistics Canada, 2009).
- According to police-reported data, just over 173,600 women aged 15 and older were victims of violent crime in 2011, a rate of 1,207 female victims for every 100,000 women in the population (*Violence Against Women*, Statistics Canada, 2013).
- In just one year in Canada, 427,000 women over the age of 15 reported they had been sexually assaulted. Since only about 10% of all sexual assaults are reported to the police, the actual number is much higher (*Brennan & Taylor-Butts, Canadian Centre for Justice Statistics*, Statistics Canada, 2008).
- Half of all women in Canada have experienced at least one incident of physical or sexual violence since the age of 16 (*Violence Against Women Survey*, Statistics Canada, 1993. *Although more up-to-date data would be preferable, no future Statistics Canada survey asked women about their life-time experience of violence*)

- Violence against women happens in all cultures and religions, in all ethnic and racial communities, at every age, and in every income group. However, some women are especially at risk:
 - The police-reported rate of violent crime against women aged 15 to 24 was 42% higher than the rate for women aged 25 to 34, and nearly double the rate for women aged 35 to 44. (*Violence Against Women*, Statistics Canada, 2011)
 - 66% of all female victims of sexual assault are under the age of twenty-four, and 11% are under the age of eleven (*2009 Annual Statistical Report*, Toronto Police Services).
 - Women aged 15 to 24 are killed at nearly three times the rate for all female victims of domestic homicide.
 - 60% of women with a disability experience some form of violence (DAWN Canada).
 - Immigrant women may be more vulnerable to domestic violence due to economic dependence, language barriers, and a lack of information about community resources.
 - As of 2013, there were 582 known cases of missing or murdered Aboriginal women in Canada. The Stolen Sisters campaign, along with Amnesty International and the United Nations have called upon the Canadian government to take action on this issue, without success (*Amnesty International*, 2013)

Human Rights Committees can provide opportunities for women and men to work together on gender issues. They can also be a place where men can learn about gender issues and learn to become stronger allies. This includes learning about male privilege, and it means taking a critical look at how masculinity gets defined in our culture in ways that are harmful for both women and men.

There's no shortage of opportunities for Human Rights Committees to work alongside Women's Committees, actively confronting sexism and gender discrimination in our workplaces, communities and unions. This includes speaking out against sexism, it includes supporting campaigns, and it includes strongly supporting measures like pay equity, anti-harassment, and employment equity – all of which directly improve women's working lives and conditions.

Aboriginal Peoples, Workers of Colour and Racism

The trade union movement was built by the struggles of working people -- including Aboriginal peoples and workers of colour. Since our inception, these communities have played an active role in the search for fairness and justice; in recent decades the issues of Aboriginals and workers of colour have been more formally put on the front burner.

- We negotiate anti-harassment programs and non- discrimination clauses to send clear messages that racism will not be tolerated.
- We have an affirmative action position on our National Executive Board to ensure the voices of Aboriginal and racialized workers are represented at the highest level in our union.
- We build leadership amongst Aboriginal and Workers of Colour in our union through our two week Aboriginal and Worker of Colour PEL activist program.
- We recognize March 21st as the International Day for the Elimination of Racial Discrimination.
- We hold national and regional aboriginal/workers of colour conferences.
- We work with caucuses from across the country to discuss the issues of aboriginal/workers of colour to build activism from within.

But this work must be supported and increased. There are more Aboriginal and people of colour in our union today, but overall Aboriginal and workers of colour remain under-represented by unions, and stuck in low-wage, temporary, non-union jobs.

The Canadian job market continues to be racially segregated – and this will continue if our fight for equality doesn't include: demands for employment equity, for fair and full immigration rights, for acknowledgement of foreign credentials, for Aboriginal self-government, for better labour laws that actually make it possible for workers to join unions.

Human Rights Committees can take leadership on these issues in their local unions. Committees can take active steps to ensure Aboriginal and workers of colour are represented in our leadership structures at all levels. Human Rights Committees can work through the mechanisms outlined in this handbook, which include key levers for taking on racism and building better, fairer workplaces and unions, and committees can play an important role in organizing campaigns so that more racialized workers become unionized.

Naming: a few words on language

Language matters because it reflects our perspective. Language isn't neutral – it's powerful. And, it's always evolving.

Throughout history people of colour and indigenous peoples have been called all kinds of things – most of which aren't worth repeating here. For a long time the term "visible minority" was used – and is still used in some government documents – but it's not accurate on a global scale (where people of colour are, of course in the majority), and it's not accurate in many of our major cities either. Before that, the term "non-white" was used – which clearly spelled out the pecking order of privilege!

In the former CAW, the terms '*people of colour*' and '*workers of colour*' were adopted to affirm and claim a strong collective *identity*, bringing together people from many different ethnicities. In the former CEP, the term '*racialized workers*' was adopted also as a way of acknowledging the collectivity of experience – but in this cast the experience of discrimination. Racialized refers to the *process* by which people are identified and divided by race for the purposes of discrimination. It is a helpful word because it validates the experiences of people who are treated as if they belong to "another and inferior race" and it rejects the false notion that race is a biological reality.

Many people who use the term 'workers of colour' to describe themselves also use the word 'racialized' to describe their workplace experiences. Many people who use the term 'racialized' to describe themselves also speak with pride about belonging to a broader community of 'people of colour'.

At the founding Convention of Unifor, the term 'racialized worker' was used.

Aboriginal is an all-encompassing term that includes Inuit, First Nations (Indians), and Métis. *Indigenous* is also an all-encompassing term that includes aboriginal peoples of Canada (although there remains some question as to whether Métis people feel included), as well as first peoples of other countries. The term *Indigenous Peoples* is generally used in an international context; for example, it is inclusive of Inuit in Canada, Maori in New Zealand, Aborigines in Australia, and so on. In the former CEP, the term Indigenous is used; in the former CAW, the term Aboriginal is the chosen name.

At the founding Convention of Unifor, the term 'Aboriginal peoples' was used.

We're currently in the middle of a discussion about our language and how we name ourselves on a going-forward basis in Unifor. This is a good time for healthy reflection

and for sharing of perspectives. Terminology can be tricky to navigate, and decisions about what terminology to use can be difficult - but not knowing what word to use should never get in the way of important dialogue on broader issues that desperately need to be discussed!

First Nations, Inuit, Métis Peoples

Most of us grew up learning “white lies” about the treatment of First Nations, Inuit and Métis people. We were *not* told about conditions on reserves, or that Canada’s reservation system was the model for apartheid South Africa. We were *not* told about conditions in residential schools, or taught to question the state’s right to remove children from their homes, parents, and communities, traditions. We were *not* taught about how Aboriginal people were willing to share their land, but instead had it stolen from them, with treaties left unsigned or broken.

We didn’t learn that the Canadian government passed laws forbidding Aboriginal peoples from speaking their own languages, from gathering together, from following their own customs and traditions. We didn’t learn Aboriginal women didn’t get the right to vote until 1960, forty-three years after non-Aboriginal women won the vote in Canada; or that women who married non-Aboriginal men were stripped of their status. We didn’t learn that Aboriginal soldiers returning from both World Wars were denied equal veterans benefits. We didn’t learn that there are 612 First Nations (historically known as 'bands') in Canada, or that there are 53 Aboriginal languages in Canada (plus many more dialects but about half are either close to extinction or endangered).

And so what many of us actually did learn about Aboriginal peoples was based on myths and stereotypes. Some of these are included here because Human Rights Committees can play an important role in setting the record straight – at every available opportunity!

MYTH: Native peoples receive more benefits from government than other Canadians.

FACTS:

- A 2012 study by Aboriginal Development and Northern Affairs Canada (the “Community Well-being Index”) looked at the quality of life in 4,685 Canadian communities based on education, labour force activity, income and housing. There were ninety-six First Nations communities in the bottom 100.

- The average Canadian gets services from the federal, provincial and municipal governments at an amount that is two-and-a-half times greater – not less -- than the level of services received by First Nations citizens. (*Source: Assembly of First Nations Fact Sheet, 2005, Reports from Indian and Northern Affairs Canada, Statistics Canada; Health Canada, Auditor General of Canada*)
- First Nation children, on average, receive 22% less funding for child welfare services than other Canadian children (*Assembly of First Nations, 2011*).
- According to an Assembly of First Nations Report (2011):
 - Approximately 25% of on-reserve water treatment systems pose a high health risk. 12% of First Nation communities have to boil their drinking water, impacting about 75,000 citizens. (According to Health Canada, as of September 30th, 2013, there were 123 First Nations communities across Canada under a Drinking Water Advisory.)
 - First Nations are experiencing a housing crisis with approximately 85,000 housing units required across Canada. In many cases multiple families live in one and two bedroom homes.
 - Approximately 44% of the existing housing stock needs major repairs and another 15% require outright replacement.
 - Of the 88,485 houses on-reserve, 5,486 are without sewage services.
 - Mould contaminates almost half of all First Nation households.
- The rate of TB (tuberculosis) among Aboriginal peoples is 8 to 10 times the rate of the non-Aboriginal population. Tuberculosis rates among First Nation citizens living on-reserve are 31 times the national average (*Assembly of First Nations, 2011*).
- The infant mortality rate among Aboriginal peoples in Canada is 1½ times the infant mortality rate of the Canadian population.

MYTH: Native peoples have special rights and privileges other Canadians do not enjoy.

FACTS:

- Status Indians' earnings off Reserve are taxed like everyone else. While the earnings of status Indians on reserves are not subject to income tax, there are very few opportunities for status Indians to earn a living on the Reserve.
- It's true that Status Indians did negotiate certain treaty rights with respect to Reserve lands, hunting and fishing on Reserve, housing, educational assistance and provincial sales tax exemption. These rights flow from negotiated treaties made in good faith between sovereign nations and constitutional guarantees dating back to the Royal Proclamation of 1763.
- However, all the reserves in Canada can fit into the Navajo Reservation in the USA. Most treaties are restricted to fishing and hunting rights on Reserve only and do not give native people control over underground resources.
- The Supreme Court says that to take land away from people who have lived on it for as long as anyone can remember without treaty negotiation and without compensation is to overthrow the basic principle of Common Law – the right not to be deprived of one's property without compensation.

MYTH: First nations are not ready for self-government.

FACTS:

- First Nations governed themselves before the Europeans came. They had cohesive communities and complex social and political organization that was so resilient that it took centuries to erode it.
- Today 82% of the budget of the Department of Indian and Northern Affairs is administered directly by First Nations. 83% of First nations meet federal audit requirements. 15% require some remedial management to address some problem areas; only 2% are considered to be in severe financial accounting problems. The Assembly of First Nations has signed an agreement with the Certified General Accountants' Association of Canada to build the financial management capacity of First Nations.

Any question of 'readiness for self-government' should be applied across the board – consider for a moment the Senate housing expenses scandal, or the Quebec construction corruption scandal . . .

- The Six Nations Iroquois or Haudenosaunee (Ho Den O Show Nee) Confederacy and the Great Law of Peace was a system of government so admired by Thomas Jefferson and Benjamin Franklin that they studied it as a model for the American Constitution and the division of powers between federal, state and local governments.

MYTH: Aboriginal people get preferential treatment.

FACTS:

- The unemployment rate for Aboriginal people is at least double the rate of unemployment for non-Aboriginal People.
- In 2006, the median income for Aboriginal peoples was \$18,962 — 30% lower than the \$27,097 median income for the rest of Canadians. The difference of \$8,135 that existed in 2006, however, was marginally smaller than the difference of \$9,045 in 2001 or \$9,428 in 1996 (*Canadian Centre for Policy Alternatives Report*, 2012).
- While income disparity between Aboriginal peoples and the rest of Canadians narrowed slightly between 1996 and 2006, at this rate it would take 63 years for the gap to be erased (*Canadian Centre for Policy Alternatives Report*, 2012).
- Life expectancy: A First Nations man will die 7.4 years earlier than a non-Aboriginal Canadian. A First Nations woman will die 5.2 years earlier than her non-Aboriginal counterpart.
- The rate of suicide among Aboriginal youth is six times higher than it is among non-Aboriginal youth. Suicide is now among the leading causes of death among First Nations between the ages of 10 and 24.

Human Rights Committees can....

- Listen, learn and be part of setting the record straight on Canada's history with Aboriginal peoples.
- Support truth & reconciliation commission on residential schools.
- Demand justice for Aboriginal women killed in British Columbia.
- Support First Nations in their attempts to enforce treaty rights: treaties are like a collective agreement; blockades are like picket lines – we need to support our brothers and sisters, Canada's first peoples.

Temporary Contract Workers

Employers seeking to cut costs, limit their obligations to workers, and bust unions use a number of strategies – from increasing part-time workers, introducing two-tier wages, paying minimum wage, to hiring temporary agency workers, and hiring temporary foreign workers. These strategies have become 'business as usual' in manufacturing, agriculture, retail, service, hospitality, mining, energy and health care sectors.

Are there human rights implications to the trends in Canada's economy? You bet. All workers are affected, but the negative implications of precarious work are greatest for women, workers of colour, and immigrants.

- The number of temporary workers in Canada hit a record two million in 2012. That amounts to 13.6 per cent of the work force. (*Statistics Canada, 2013*)
- Since the recession, temporary work has grown at more than triple the pace than permanent employment – up 14.2 per cent for temp work between 2009 and 2012, versus 3.8 per cent for permanent workers. (*Statistics Canada, 2013*)
- Most of the growth in temp work in the past decade and a half has been among young people. Temporary positions are most prevalent in education, culture and the accommodation and food services sector. By province, most of the growth in temp work has been in British Columbia and Ontario. (*Statistics Canada, 2013*)
- Women are more likely than men to work in casual jobs.
- Casual workers earn 32% less than their permanent counterparts.
- Those working for employment agencies earn 40% less than their permanent counterparts (*Galarneau, Statistics Canada LFS 2003 in Perspectives, 2005*).
- According to the Survey of Service Industries, temporary agencies generated operating revenues of \$9.2 billion in 2008, up from \$1.0 billion in 1993. (*Statistics Canada, 2010*).

Study results have shown:

- 75% of employment agencies willing to screen out applicants by people of colour.
- over 90% of employers commented on women wearing hijab (headscarves) during the job application process.
- Black applicants consistently being told jobs had been filled, but white applicants (later the same day) given applications for vacancies.

(Source: The Colour of Poverty Report)

Through bargaining we can make it clear to employers that their strategies will not work and that we will not allow them to use women and workers of colour to undermine our gains or divide the working-class.

- We will explicitly limit or eliminate the use of temporary agency workers.
- We will reinforce that temp agency workers that remain in our workplaces are covered by our collective agreement terms and conditions and that they are, in fact, our members.
- We will extend the scope of our bargaining units to include areas where women and workers of colour are often employed (cafeterias, housekeeping, maintenance, office).
- We will hold the line against privatizing and contracting out (a practice that tends to disproportionately affect women, workers of colour).

Immigration

Did you know that the economy actually grows during times of high immigration? In fact, because of the declining birthrate, the Canadian economy would actually shrink without 200 – 300,000 new immigrants coming in each year. According to a parliamentary committee study, “the evidence shows that Canada’s immigration program continues to exert a positive influence on the economy”.

In spite of these facts, Immigrants, particularly immigrants of colour, continue to face discrimination in Canada – they are routinely denied jobs because of the bogus “Canadian experience” requirement, they are underemployed, unemployed, and their credentials are often not recognized.

It’s worth remembering that our union has been greatly influenced by the experiences of immigrants who became some of our strongest leaders. And yet, too often immigrants are kept out of the union movement because employers have discriminatory hiring practices, because immigrants disproportionately work in non-unionized and

precarious temporary jobs, and because *in many ways the union movement doesn't actively make room for the voices and experiences of our immigrant members.*

Human Rights Committees can be part of changing this picture – actively finding ways to ensure immigrants have opportunities to lead our union, actively challenging employer discrimination, actively engaging in the fight for decent jobs for all and actively working on organizing new workplaces where immigrants work.

Immigrants whose first language (or 2nd or 3rd) isn't English face additional obstacles and bias in the workplace and in the union.

Human Rights Committees can look for ways to make sure members have opportunities to get information and contribute to the union in their own languages – especially where there are significant language groups in the membership. The Worker's Action Centre, a tiny organization that does incredible work supporting temporary agency workers, manages to produce their 'rights at work' information in 17 languages and provide telephone support in five languages (www.workersactioncentre.org). It's a matter of priority. Some local unions offer ESL classes, and include union materials and community issues as part of the curriculum. Unions can also lend their voice to demands for more comprehensive settlement services, including language classes, whose budgets have been massively cut in recent years.

Human Rights Committees can lead the union's demands – and harness the union's power – to win fair immigration and refugee policies that are welcoming to working-class people, not just to the wealthy elite.

Temporary Foreign Worker Program

In 2012 the Canadian government accepted more temporary foreign workers than they did new immigrants – a massive shift signaling a new, official policy of creating a disposable, racialized, workforce.

Racism is not new in Canada's immigration policy – race has been a key factor in determining who gets into Canada, and who doesn't (from the Chinese Exclusion Act, to the 'none is too many' policy of keeping Jews out in the late 1930s/early 40s, to the Continuous Journey laws designed to keep out would-be-immigrants from India). But the temporary foreign worker program aims to turn back the clock on any advances made toward fair immigration policy over the last fifty years.

Under the temporary foreign workers program, employers apply for special work permits that allow them to directly employ workers from other countries without going through the regular immigration process. Typically employers pay low wages, provide minimum standard housing, and rely on workers either not knowing their rights or not complaining of mistreatment (because employers hold the key to their status through the threat of deportation).

The Conservative government is determined to increase the number of temporary foreign workers – who do not have basic freedoms or rights or access to services that other workers do. According to President Ken Lewenza, the Conservative's new rules (2012) are "an assault not just on foreign workers. They are an assault on Canada and what we stand for. There's got to be a larger conversation about whether it is right of Canada and employers to exploit workers this way."

The stated purpose of the temporary foreign worker program is to provide Canadian employers with access to workers when critical labour shortages can be demonstrated. It was not supposed to replace the existing pool of Canadian workers. In reality the program is being used by employers to import workers in an effort to drive down wages and bust unions. Estimates vary, but approximately 432,000 temporary foreign workers are employed in Canada, a number which is growing rapidly with every year the program is extended and the rules for employers slackened (CCPA, 2012). *Employers must not have this great a say in determining who the future citizens of Canada will be.*

Human Rights Committees should know that some of our Unifor members are temporary foreign workers, and we should become aware of the issues they face. We need to work to actively ensure that these workers are covered by our collective agreements and take proactive steps to ensure that employers live up to their commitments. We also need to work to include these members in the daily life of our union, and guard against divisions within our members based on race, language, and status.

We support full immigration and believe workers who come to Canada should have all the rights of Canadian workers, including the right to remain in the country and become productive members of Canadian society. Immigration is key to building a stronger, more diversified society. However, the temporary foreign worker program is neither a legitimate immigration policy nor is it an acceptable employer strategy to address a (questionable) worker shortage.

Human Rights Committees can play an active role in campaigning, lobbying, and demonstrating for fair immigration policies and a full-extension of labour and citizenship rights to temporary foreign workers.

Undocumented Workers

Undocumented workers are workers without formal immigration status. They are essential to many sectors of the economy especially construction, food preparation, cleaning, and hospitality. They have few, if any, legal protections. Employers take advantage of them and know they're unlikely to complain if they're not paid. They cannot submit a claim when they are injured on the job, and fear of deportation means many will not even call an ambulance for a workplace injury. They cannot pay into or collect EI or CPP, and if they're paid under the table, they'll have no medical coverage or pension at all. They cannot pay income taxes to help support the services that Canadians want from their governments. Still, workers without immigration status buy homes and cars, raise families, make friends, send their children to schools, go to places of worship and otherwise live normal lives.

In the past there were accommodations made for undocumented workers to become landed immigrants. Another so-called 'amnesty' program is long overdue. Families rooted in their communities and workers whose skills and services are needed, cannot be expected to just disappear.

Immigration bureaucrats say if undocumented workers are granted status, the government will be condoning "queue jumpers". However, under the present immigration point system which values university degrees, workers who are essential to our economy are not being allowed to come as legal immigrants.

We call for real immigration policies and programs that expand not limit rights. The people who work in our fields, in our homes and beside us in our workplaces deserve the same rights and benefits as all of us – no less. We must stand united as workers.

Refugees

Many of our members came to Canada as refugees escaping danger, war and persecution. For some, persecution is based on gender expression or sexuality, for others it is based on political action, gender-based violence, or trade union activity.

Most Canadians have accepted the idea that we have an 'open' immigration system and that we provide a 'safe haven' to refugees. If only that were true, it would be something to be proud of.

Worldwide there are 11 million refugees living outside their country of origin (that doesn't count the millions of refugees that have fled their region but not their country).

Canada only accepts .0023 % of the world's refugees – 70% of the world's refugees are accepted by poor countries.

In 2002, out of 39,498 refugee claims made in Canada, only 15,161 were accepted. Every year the Canadian government deports between 10,000 and 15,000 refugees whose claims are rejected. This includes those who have active applications for humanitarian and compassionate consideration. Citizenship and Immigration actually has a quota for deportations – to meet it, the authorities look for people who are the easiest to find – because they have jobs and children in school. When a refugee's claim goes before the Immigration and Refugee Board (IRB), the 'panel' is actually one person. And, if a refugee's claim is rejected, there is no appeals process where the merits of the case can be brought forward (despite the government's repeated promise to create one). A refugee's testimony is often delivered by translation. Refugee claimants are expected to be able to recall with exact precision the dates and other details of traumatic events of months or years past (torture, rape, persecution).

Unifor works with groups like the Canadian Council for Refugees (www.ccrweb.ca), supporting demands for a fair, independent and humane application and appeals process for refugees. Human Rights Committees can support this work at the local level by connecting with community groups and the CCR.

International Human Rights Issues

Both the former CEP and the former CAW have long, proud and honourable tradition of involvement in issues beyond the boundaries of Canada and beyond the immediate personal interests of our members. The social unionism that characterizes our unions within Canada has been equally at play outside. Two of the most notable struggles from our past, were our solidarity with the United Farmworkers in California and our solidarity with South African trade unions in the era before apartheid was finally defeated.

The underlying principle then and now is solidarity: whatever our condition and circumstances, all workers share common problems and goals, and if we could support working people elsewhere achieve some of the victories we have already won, that would be a step forward for international workers' solidarity. In a real sense, this is the labour response to globalization - an understanding of the links that bind people around the world as a counter balance to ever-increasing corporate dominance.

In most local unions international solidarity work is taken up primarily by Human Rights Committees working closely with our International Department.

Unifor's International Department is responsible for the ongoing relationships with like-minded unions and social justice seeking groups around the world. Our union is also directly affiliated to - and plays a major role in - four Global Union Federations (IndustriALL, International Transportation Federation, International Union of Food and Agricultural Workers, Union Network International).

In addition, we maintain links within Canada with other groups seeking to bring about more justice for workers and their families internationally. Links with solidarity movements, students' movements and those fighting for human rights.

Our union was in the forefront of the fight against the Free Trade Agreement between Canada and the United States, which saw our government ratify this corporate bill of rights in spite of enormous popular opposition. We have joined with student, environmental and justice seeking activists in fighting the assault on democracy represented by the current round of trade agreements.

Unifor also negotiates a Social Justice/Humanity Fund through which we carry out International Development Projects.

Human Rights Committees involved in global justice and international solidarity work can take their lead from those most closely connected to the issues, including workers! Unifor's International Department has strong relationships with a number of unions and non-governmental organizations who are directly involved in the push for greater human rights and workers' rights around the world.

Religion

We have a diverse membership. This diversity includes various religious beliefs and practices.

It is against the law for employers to discriminate on the basis of religion or creed. It doesn't matter whether or not discrimination is intentional: it is the effect of the rule or behaviour that is important. Where a rule conflicts with religious requirements, there is a duty to ensure that individuals are able to observe their religion, unless this would cause undue hardship. Unlawful discrimination because of religion can include:

- Refusing to make an exception to dress codes to recognize religious dress requirements;

- Refusing to allow individuals to observe periods of prayer at particular times during the day;
- Refusing to permit individuals to take time off to observe a religious holiday.

Many of our workplaces were designed with just one set of workers in mind. Even our employment standards legislation is based on a Christian calendar. Where this Christian calendar has been incorporated into our collective agreement holiday schedule, we must also negotiate a way for workers from other faiths to have equal opportunities to observe their holidays.

Unfortunately, there is real resistance to religious accommodation. Excuses range from “there are too many Jewish / Muslim holidays” to “there are too many different religions to worry about” to “it’s just impossible to find a schedule that works for everyone” to the total cop-out “if we acknowledged every holiday we’d never be open”. Certainly in countries where Jews or Muslims are the majority the number of holidays hasn’t brought down their economies. And in countries like Nigeria and Singapore (two examples of many, many others) where there are several major religions, employers and unions have been able to sort out holidays without compromising business. It is important to keep in mind that undue hardship means some hardship on the employer is required to fulfill their obligations under the law. It is possible to schedule alternate holidays, or to allot personal or vacation days, etc., and in fact, in many workplaces having a diversity of religious holidays to accommodate actually works to the employers’ advantage in keeping their doors open. Actually negotiating religious prayer times or holidays into our agreements spares individual workers and the union the resources, time and energy it takes to grieve / arbitrate and potential liability for the employer.

We can use our collective strength and our creativity to ensure, for example, that our Muslim co-workers whose faith requires that they attend Friday prayers are accommodated – in ways that don’t split the workforce, or place the burden on co-workers, or contribute to harassment of the workers in question, etc. This might, for example, mean being creative with break times, or it may require no accommodation at all, depending on how breaks are scheduled. It’s important to remember that these aren’t “special privileges” – workplace hours and holidays are already tailored to the assumed-majority Christian workforce.

RESOURCES

UNIFOR Human Rights Education Programs

Unifor offers educational courses for all of our members and activists on a range of subject areas. We also offer courses specifically designed to build leadership among women and workers of colour. These courses are intended to address the barriers and obstacles that many women and workers of colour face within society, the workplace, and even the union. Many of the participants from these courses have gone on to leadership positions at all levels in the union.

Human Rights Committees should encourage members from equity-seeking groups to attend both “human rights-related” courses and our general tools courses. Don’t, for example, fall into the trap of directing people of colour only to the Aboriginal/workers of Colour Activist Program and over-looking them for a stewards course.

In locals where paid education leave has been negotiated, check that the PEL selection process ensures that a diversity of members is selected to attend these programs.

Human Rights Committees can also make sure that ‘the word gets out’ about all educational opportunities (including courses offered by the Labour Council), and actively encourage members from equity-seeking groups to attend.

See www.unifor.org/educate for full course descriptions of all of our programs, including the ones highlighted below.

Human Rights are Workers Rights

One day, three day, five day versions of this course are available. They can be delivered at the local, or your region, and the 3-day and 5-day are also offered through Port Elgin. These are also available on a 50/50 cost share between the local and the national.

Building Workplace Respect / Anti-harassment

We have 4-hour, 8-hour, and 3-day versions of this course available for delivery in our workplaces. Work with your bargaining committee and the national Human Rights Department and offer this program to all workers during work hours.

Harassment Investigator Training

This 3-day course is especially designed for local union leaders and stewards (including EE reps and Women’s Advocates) whose role includes investigating and resolving

harassment complaints. The course is delivered in the regions and can be delivered as a joint union-management or union-only course. See www.unifor.org/educate for full course description.

Duty to Accommodate

This one-day course is designed for local union leaders and stewards whose role includes enforcing the employer's duty to accommodate.

Pay Equity

This is a new (2012) course for bargaining committee reps, EE reps, women's activists and Human Rights Committee members. It teaches the ins and outs of negotiating and maintaining pay equity plans – and bringing real gains to members.

Women's Activist / Women's Leadership / Pride Activist / And Aboriginal & Worker of Colour Activist Programs

These programs offer members of equity-seeking groups tools and time to develop strategies for making our workplaces, unions, and communities fairer, safer, and stronger. They provide an important training ground for activists and leaders.

Globalization & Solidarity

This newly revised one-week program offers human rights activists information and opportunities to connect local and global struggles, and to learn how workers around the world are campaigning for decent jobs, for human rights, for peace, and for a fair economy.

Tool Courses

The Education Department regularly runs 1-day and week-long courses for stewards/ workplace representatives, courses on bargaining, on health and safety, WCB/WSIB, and more.

4 week PEL program

This program has provided the foundation for many of today's union leaders. Ensuring that a diversity of participants attends this program will help ensure a diverse leadership in the future. See the full course description on our website.

Useful Internet Sites

Statistics Canada

www.statcan.gc.ca

Colour of Poverty

www.colourofpoverty.ca

Canadian Labour Congress

www.clc-ctc.ca

Council of Canadians

<http://canadians.org>

Canadian Centre for Policy Alternatives

www.policyalternatives.ca

United for a Fair Economy

<http://www.faireconomy.org>

Teaching for Peace

<http://www.teachingforpeace.org>

Global Exchange / Global Economy 101

www.globalexchange.org/campaigns/econ101

Assembly of First Nations

www.afn.ca

Labour Start (information about unions from around the world)

www.labourstart.org

Avaaz.org

www.avaaz.org

Canada Without Poverty

www.canadawithoutpoverty.org

Rabble

www.rabble.ca

New Internationalist

www.newint.org

Campaign 2000

www.campaign2000.ca

Check Your Head (BC)

<http://checkyourhead.org>

Common Frontiers

www.commonfrontiers.ca

Daily Bread Food Bank

www.dailybread.ca

Egale Canada

www.egale.ca

IDAHO (International Day Against Homophobia and Transphobia)

www.dayagainsthomophobia.org

DisAbled Women's Network (DAWN)

www.dawncanada.net

Justicia (Justice for Migrant Workers)

www.justicia4migrantworkers.org

No One is Illegal

www.nooneisillegal.org

Workers Action Centre (precarious worker organizing)

www.workersactioncentre.org

Canadian Council for Refugees

www.ccrweb.ca

Human Rights Watch

www.hrw.org

Amnesty International

www.amnesty.ca

Canadian Human Rights Commission

<http://www.chrc-ccdp.ca/>

Important Dates

March 8th
International Women's Day

March 21st
International Day for the Elimination of Racism

April 28th
International Day of Mourning for Workers Killed and Injured on the Job

May 17th
International Day against Homophobia/Transphobia

June 20th
World Refugee Day

June 21st
Aboriginal People's Day

June, July, August
Pride season (Google 'pride parade' and your city for dates)

October 10th
World Mental Health Day

December 1st
World AIDS Day

December 3rd
International Day of Dis/Abled Persons

December 6th
Montreal Massacre Memorial

December 18th
International Migrants Day

Glossary of Terms

Aboriginal people: A term used in Canada's Constitution Act 1982 to refer to Native Indians, Inuit, and Métis people (whose heritage includes European as well as Aboriginal ancestry). The word recognizes the fact that Aboriginal peoples are the original inhabitants of Canada.

Accessibility: The degree to which buildings, services, facilities, events, and environments are available to as many people as possible – most especially to people with disabilities.

Accommodation: Removing barriers to equal participation and equal access to the workplace.

Adverse Effect Discrimination (Indirect Discrimination): A rule that does not clearly and explicitly discriminate but still results in discrimination against a particular group. For example, a height requirement of 6 feet tall might appear to be 'neutral', but it excludes women from the job.

Ancestry: This is a prohibited ground of discrimination in most jurisdictions; it refers to lineage, whom you are descended from – how you trace family and heritage. This ground is of particular significance to Aboriginal peoples, in disputes about status and entitlements.

Alien: This term is used in some countries, notably the US, to designate non-citizens. Many people find the term dehumanizing.

Asylum-seeker: a person who is seeking asylum. Until a determination is made, it is impossible to say whether the asylum-seeker is a refugee or not.

Barrier-Free: An environment which doesn't create barriers to specific groups who are protected by human rights legislation. For example, a barrier-free building is designed to allow maximum use by people with mobility, hearing, and/or visual disabilities.

Bisexual: Someone who is attracted to members of both sexes. Studies show that approximately 15% of people are actively bisexual (1/3 of American men are reported to have had a sexual experience with another man at some point in their lives.)

Bona Fide Occupational: Requirements that are reasonably necessary to assure the safe performance of the job and that are sincerely believed necessary for the job (i.e.

were established in good faith). The Supreme Court of Canada has set out a three-step test to determine whether a discriminatory rule, standard etc. can be justified as a bona fide requirement. Bona fide means made in 'good faith'.

Citizenship refers to citizenship from any country. Individuals can be Canadian citizens 'by birth' or 'by naturalization'. 'By birth' means that a person was either born in Canada or born outside Canada if, at the time of his or her birth, one or both parents were Canadian citizens and had retained citizenship. Citizenship is also linked to having landed status. Employers should only be concerned with whether a person has legal status to work in Canada. This has also come up in dual citizenship cases, where the U.S. won't let workers born in certain countries, such as Venezuela, work on defense contracts.

Convention refugee: a person who meets the refugee definition in the 1951 Geneva Convention relating to the Status of Refugees. This definition is used in Canadian law and is widely accepted internationally. To meet the definition, a person must be outside their country of origin and have a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion.

Creed This is a prohibited ground of discrimination in most jurisdictions. Religious creed, or religion refers to a professed system of faith, including both beliefs and observances or worship. It isn't necessary to believe in one God or gods, to be a belief system. Religion also includes the spiritual faiths/practices of aboriginal cultures, as well as bona fide newer religions assessed on a case by case basis.

Direct discrimination: Explicitly treating people in one group worse than others, based on a prohibited ground.

Disability This is a prohibited ground of discrimination in all jurisdictions; it refers to any previous or existing mental or physical disability and includes so-called disfigurement as well as previous or existing dependence on alcohol or drug. It includes present, past and perceived disabilities (by the employer). Some people use the word 'disAbility' so that the focus is on ability. "People with disabilities" is more respectful than "disabled people" and the term "the disabled" is not appropriate.

Discrimination: means treating people differently based on certain characteristics. People can be discriminated against, or discriminated in favour of.

Economic migrant: A person who moves countries in order to take up a job or seek a better economic future. The term is correctly used for people whose motivations are

entirely economic. However, migrants' motivations are often complex and may not be immediately obvious, so it is dangerous to apply the "economic" label too quickly to an individual or group of migrants.

Employment Systems, Practices or Rules Policies, practices or rules (formal and informal) that an organization uses to recruit, select, train, promote and pay employees, or to establish and define jobs or to determine the conditions of workplace employment.

Essential Duties These are the fundamental, vital duties of a job. Human Rights legislation guarantees equal treatment to a person with a disability who is able to perform the essential duties of a job with accommodation, up to the point of undue hardship.

Ethnic origin is a prohibited ground of discrimination in most jurisdictions; it is generally connected to "ancestry" but includes a wider range of characteristics. May include language, dress, culture, values and traditions, foods, and could be connected to place of origin, nation, tribal, religious, background or race.

Family: "A bunch of people, or not so many, who love each other." - Lisa, aged 7, lives with her two moms.

Family Status: is a prohibited ground of discrimination in most jurisdictions; it means the status of being in a parent and child relationship. This definition includes biological and adoptive parents and persons who act in the position of a parent to a child. It can also include situations where employees have a responsibility to provide care to elderly or sick parents. Men and women are equally protected under this ground (again, this is not in all jurisdictions).

First Nations: reflects the self-naming process of some Aboriginal peoples in Canada today. The word "first" recognizes the fact that Aboriginal peoples are the original inhabitants of what is now considered Canada. The word "nation" stresses the fact that Aboriginal peoples are political collectivizes who had their own forms of government prior to European settlement. Many First Nations people s are fighting to re-establish that sovereignty. The term also refers to a group of Aboriginal people who were previously called a "Band" by the Department of Indian Affairs. In Canada today there are 633 First Nations bands representing 52 Nations or cultural groups and more than 50 distinct languages. "First Nation" can also mean a group or several groups of Aboriginal people who have the same ethno-cultural background.

Foreign National: A person who is neither a Canadian citizen nor a permanent resident (according to Canada's Immigration and Refugee Protection Act).

Functional Abilities/Limitations: The “effective capacity” (ability) of someone to carry out job-related activities due to medical conditions linked to a disability or conditions linked to another prohibited ground of discrimination.

Gay / Lesbian: Describes someone who is attracted to and connects emotionally with others of their own sex. Studies show that approximately 10% of people are gay or lesbian.

Gender expression According to the Centre for Gender Sanity, gender expression refers to “everything we do to communicate our sex/gender to others: clothing, hair styles, mannerisms, way of speaking, roles we take in interactions, etc.” – it is a continuum of feminine and masculine, with androgynous in-between. For most of us our gender expression varies somewhat according to the occasion (i.e. how we might dress and act at a formal party vs. how we might dress and act at work). Some of our collective agreements include no discrimination based on gender expression (as well as gender identity) to acknowledge and protect the rights of trans people.

Gender identity refers to how we self-identify ourselves as men or women, regardless of our biology. Collective agreements and human rights legislation can make “gender identity” a prohibited ground of discrimination to offer specific protection for transgender and transsexual people and those who don’t clearly conform to traditionally accepted notions of gender in appearance. Gender identity is currently only explicitly protected in Ontario, Manitoba and North West Territories, but is implicitly protected under ‘sex’ in other jurisdictions.

Harassment: Includes jokes, innuendoes, unwelcome remarks, taunting, refusal to work alongside, and physical and sexual assault. Harassment is often defined in human rights legislation as a course of events (words, conduct, etc.) that are known, or ought reasonably to be known, to be unwelcome.

Heterosexual: Several years after the term homosexual was coined, this word was invented to describe people who are attracted to members of the opposite sex.

Heterosexism: The belief that heterosexuality is the only normal and proper expression of sexuality in society.

Homophobia: A fear of homosexuality and/or the dislike/hatred of gays and lesbians. Also, the fear of feelings of love for members of one's own sex and therefore the hatred of these feelings in others.

Homosexual: A medical term coined in the late 19th century. It is used mainly in psychiatry as a clinical label for people attracted to members of their own sex.

Illegal: This term is problematic, because it transfers the illegality from the status to the person. Its use has provoked as a response the slogan "no one is illegal." The term 'undocumented worker' is more accurate and respectful.

Illegal migrant/illegal immigrant: These terms are considered problematic because they criminalize the person, rather than the act of entering or remaining irregularly in a country. Using the term can also have the disadvantage of prejudging the status of the person. If a person is fleeing as a refugee, international law recognizes that they may need to enter a country without authorization and it would therefore be misleading to describe them as an "illegal migrant". Similarly, a person irregularly in the country may have been coerced by traffickers: such a person should be recognized as a victim of crime, not a wrong-doer.

Immigrant: A person who has settled permanently in another country. Immigrants choose to move, whereas refugees are forced to flee.

Indian: The word "Indian" originates from a mistake. The Europeans thought that they had landed in India. Hence, "First Nations" is more respectful. The word "Indian" appears in important historical documents, treaties and decisions, however, and so is used in that context.

Internally displaced person: A person who has been forcibly displaced but is still within the borders of their home country.

Inuit: The Inuit are the original people of the Arctic.

Landed immigrant: This term, still sometimes used, has officially been replaced by the term "permanent resident."

Lesbians: Women who are attracted to other women. Because the issues facing gay men and lesbians are different, many lesbians prefer the term lesbian instead of 'gay woman'.

Marital Status is a prohibited ground of discrimination in most jurisdictions; it means the status of being married, single, widowed, divorced or separated and includes the status of living with a person in a conjugal relationship outside marriage.

Métis The Métis are the descendants of French, Scots, and English fur traders and the Aboriginal women they married. After the Battle of Batoche in 1885, the Métis were driven from their original settlements in the Red, Assiniboine, and Saskatchewan River valleys. In time, they established new communities. The Métis won inclusion in the Constitution in 1982 as an Aboriginal people but they continue to press for practical implementation of their Aboriginal rights.

Migrant/migrant worker: A person who is outside their country of origin. Occasionally this term is used to cover everyone outside their country of birth (including people who have been Canadian citizens for decades). More often, it is used for people currently on the move or people with temporary status or no status at all in the country where they live. It tends to be applied to people at the bottom of the economic ladder. For example, we don't often hear of migrant businessmen. Internal migration refers to workers who leave their homes and communities to travel to other parts of their home country for work.

Modified Duties: Any meaningful job, task and/or function set up to accommodate an individual's restrictions or "functional limitations". This includes modified duty for short or long-term disability, as well as for other prohibited grounds (e.g., religion, pregnancy, etc.). Can include re-designing work stations, purchasing special equipment, re-arranging working hours etc.

Oppression: is the unjust or cruel use of authority or power on a continual basis. It is more than just individual attitudes and behaviours, it is a system.

People of colour: The term originated in the United States to include people of Asian, Latin American, African, Southern European, or Middle Eastern origins. It denotes a common experience of racism across national and ethnic ancestries. It is a positive term as opposed to "coloured," "non-whites," "ethnics" or "visible minorities. People of colour are racialized (i.e., discriminated against based on race) in employment, housing, etc.

Permanent resident: A person who has been granted permanent resident status in Canada. The person may have come to Canada as an immigrant or as a refugee. Permanent residents who become Canadian citizens are no longer permanent residents.

Person without status/Undocumented: A person who has not been granted permission to stay in the country, or has overstayed their visa. The term can cover a person who falls between the cracks of the system, such as a refugee claimant who is refused refugee status but not removed from Canada because of a situation of generalized risk in the country of origin. The term "undocumented" can be confusing, because it is also used in Canada to refer to refugees who lack identity documents from their country of origin.

Place of Origin is a prohibited ground of discrimination in most jurisdictions; it refers to country of birth, usually outside of Canada, or it could include an area, province or region of Canada, for example, Quebec, Newfoundland.

Power: is the ability to act, to get things done, to move forward a particular agenda; the right, ability or capacity to exercise control; the ability to bring about or prevent change.

Prima Facie: At first sight, or on first impression. It means that a matter appears to be self-evident from the facts. Most legal proceedings require a prima facie case to exist, following which proceedings may then commence to test it, and create a ruling.

Privilege: refers to unearned benefits given to people based on certain characteristics. When some people are discriminated against, that leaves more for others – this is called privilege. Most people aren't aware that they have privilege, and if they do realize it, it can make them uncomfortable.

Prohibited Grounds: It is against the law to discriminate in employment against people on the basis of certain categories, called "prohibited grounds". For example, the British Columbia Human Rights Code lists race, ancestry, colour, place of origin, religion, marital status, family status, physical or mental disability, sex, sexual orientation.

Protected person: According to Canada's Immigration and Refugee Protection Act, a person who has been determined by Canada to be either (a) a Convention Refugee or (b) a person in need of protection (i.e. a person who may not meet the Convention definition but is in a refugee-like situation defined in Canadian law as deserving of protection, for example because they are in danger of being tortured).

Race and Colour: is a prohibited ground of discrimination in all jurisdictions in Canada; it refers to skin colour and physical characteristics. Someone's race can often be related to other grounds in the Codes such as their ethnic origin or place of origin. Most people accept that 'race is a social construct', not a hard scientific concept; however, racism, or

discrimination based on certain physical characteristics, is deeply woven into the fabric of our society.

Racialization: is the process by which the idea of race, and the presence of “races” is constructed as real, different and unequal in ways that lead to – and are used to justify - economic political and social inequalities.

Racialized: refers to the ways in which racism makes groups of people identifiable or "raced" because of their physical characteristics. It is a helpful word because it validates the experience of some people who are treated as if they belong to "another and inferior race" and it rejects the false notion that race is a biological reality. Some equate it with marginalized. The government uses the term visible minority, but this is a neutral term that masks oppression based on race.

Racism: Here’s how anti-racism social activist Dr. Linda Murray defines racism: “Racism is an ideology. A carefully constructed set of beliefs that is intertwined and intimately connected, with a specific period in history. It is a critical pillar of capitalism. It did not always exist. It was invented as one of the tools of building the world we live in today. It is part of the fabric and structure of this country. That is why it is so difficult to fight. It is part of what built this nation. . . if you remove the historical understanding of racism, then you’ll never be able to deal with it . . .”. . . racism is not simply prejudice, it is not simply discrimination . . . if racism were simply ignorance and stereotypes, then we could deal with it – in one generation.”

Receipt of Public Assistance: is a prohibited ground of discrimination in most jurisdictions; it refers to discrimination towards someone because they receive public assistance. This is not a prohibited ground under employment, but is a prohibited ground for accommodation (lodging), in Section 2 of the Ontario Human Rights Code. In some jurisdictions “social condition” is included under employment.

Record of Offences: is a prohibited ground of discrimination in most jurisdictions. It means a conviction for:

- i) an offence in respect of which a pardon has been granted under the Criminal Records Act (Canada) and has not been revoked, or
- ii) an offence in respect of any provincial enactment.

Refugee claimant: a person who has made a claim for protection as a refugee. This term is more or less equivalent to asylum-seeker and is standard in Canada, while asylum-seeker is the term more often used internationally.

Resettled refugee: a refugee who has been offered a permanent home in a country while still outside that country. Refugees resettled to Canada are determined to be refugees by the Canadian government before they arrive in Canada (whereas refugee claimants receive a determination in Canada).

Return to Work: People who return to work after an absence related to a prohibited ground are protected by human rights legislation. They generally have the right to return to their jobs or in some cases a similar job. Both employers and unions must cooperate in accommodating employees who are returning to work.

Sex: usually related to a person's biological sex, male or female or the transition between. Men and women receive equal protection under this prohibited ground of discrimination. This ground also includes the right to equal treatment without discrimination because of pregnancy.

"Sex" also includes the broader notion of "gender" or the social characteristics attributed to each sex. Trans people are also protected on the ground of sex for complaints related to gender identity. The term "trans" is used by persons who reject (or are not comfortable with) their birth-assigned sex.

Sexual Orientation: refers to who we're sexually / erotically attracted to. It's a continuum, with attraction to women at one end, attraction to men, at another – and in the mid-range is attracted to both – or bisexuality. Research suggests that most people place themselves somewhere along the continuum – gay or straight they don't identify only at one extreme end or other. The Ontario Human Rights Commission has developed and adopted the following definition of sexual orientation: Sexual orientation is more than simply a "status" that an individual possesses; it is an immutable personal characteristic that forms part of an individual's core identity. Sexual orientation encompasses the range of human sexuality from gay and lesbian to bisexual and heterosexual orientations.

Solidarity: is the act of working together across differences for common goals.

Stateless person: A person who is not recognized as a citizen by any state. Some refugees may be stateless but not all are, and similarly not all stateless people are refugees.

Stereotype: Assumptions about a person's abilities, personality, likes / dislikes, etc. based on their belonging to a group (race, gender, sexual orientation, disability, etc.).

Temporary resident: A person who has permission to remain in Canada on a temporary basis (the main categories are students, temporary workers and visitors).

Trans: An inclusive category that encompasses transgender, people who are gender non-conforming (also referred to as gender variant), transvestites, and transsexuals.

Transsexual: Someone whose gender identity is not the same as their birth biological sex (for example gender identity of a woman with male biological characteristics). Some people who are trans choose to include surgeries and hormone treatments in their transition (male to female or female to male).

Transvestite: Someone who dresses in the clothing of the opposite sex.

Two-spirited: Term used in some Aboriginal communities to describe gay men, lesbians, bisexuals and trans people (as in 3rd gender people).

Undue Hardship: The employer's duty to accommodate exists up to the point of 'undue hardship'. There are three considerations in assessing whether an accommodation would cause undue hardship. These are: when accommodation would alter the essential nature of the business; when it would substantially affect the economic viability of the business; when it would produce a substantial health and safety risk. The employer must provide facts, figures and scientific data/opinion to support a claim that accommodation will cause undue hardship.

Visible minorities: The federal Employment Equity Act uses this term to include people who identify as Chinese, South Asian, Black, Arab/West Asian, Asian, South East Asian, Filipino, Latin American, Japanese, Korean, and Pacific Islanders.

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Universal Declaration of Human Rights

1. All human beings are born free and equal.
2. Everyone is entitled to the same rights without discrimination of any kind.
3. Everyone has the right to life, liberty, and security.
4. No one shall be held in slavery or servitude.
5. No one shall be subjected to torture or cruel or degrading treatment or punishment.
6. Everyone has the right to be recognized everywhere as a person before the law.
7. Everyone is equal before the law and has the right to equal protection of the law.
8. Everyone has the right to justice.
9. No one shall be arrested, detained, or exiled arbitrarily.
10. Everyone has the right to a fair trial.
11. Everyone has the right to be presumed innocent until proven guilty.
12. Everyone has the right to privacy.
13. Everyone has the right to freedom of movement and to leave and return to one's country.
14. Everyone has the right to seek asylum from persecution.
15. Everyone has the right to a nationality.
16. All adults have the right to marry and found a family. Women and men have equal rights to marry, within marriage, and at its dissolution.
17. Everyone has the right to own property.
18. Everyone has the right to freedom of thought, conscience and religion.
19. Everyone has the right to freedom of opinion and expression.
20. Everyone has the right to peaceful assembly and association.
21. Everyone has the right to take part in government of one's country.
22. Everyone has the right to social security and to the realization of the economic, social and cultural rights indispensable for dignity.
23. Everyone has the right to work, to just conditions of work, to protection against unemployment, to equal pay for equal work, to sufficient pay to ensure a dignified existence for one's self and one's family, and the right to join a trade union.
24. Everyone has the right to rest and leisure.
25. Everyone has the right to a standard of living adequate for health and wellbeing, including food, clothing, housing, medical care and necessary social services.
26. Everyone has the right to education.
27. Everyone has the right to participate freely in the cultural life of the community.
28. Everyone is entitled to a social and international order in which these rights can be realized fully.
29. Everyone has duties to the community.
30. No person, group or government has the right to destroy any of these rights.

Why focus on human rights?

because employers are using race to divide workers and because the government wants to roll back the clock on workers' rights, women's rights, the rights of lesbian, gay, bisexual and trans people and because in tough economic times workers are encouraged to turn against each other and because the government wants us to be afraid of our Muslim neighbours and because people with disabilities are still excluded from our workplaces and because women still make 70 cents on the dollar and because employers won't hire Aboriginal people into decent unionized jobs and because newcomers to Canada are denied access to jobs they have trained for and because people whose first language is neither English nor French aren't being listened to and because some of our members who are returning to work with disabilities are being mistreated by their supervisors and co-workers and because in a union with 33% women we still hear sexist comments at union meetings and because the government is dismantling human rights commissions, health and safety offices, and women's programs and because working-class people are stereotyped by tv shows and news reports and because the union has the tools to stop discrimination and because if we don't deal with prejudice it will divide us and because our union is part of society and unless we actively work differently we reflect its racism, sexism, homophobia, ableism and because working-class people are the ones who are most harmed by all forms of discrimination and because we need inspiration from workers who have stood up and confronted discrimination and oppression and because we need to figure out how to be better allies and because religious hatred divides union members and because homophobia divides union members and because sexism divides union members and because discriminating against people with disabilities divides union members and because stereotypes continue to be used to stop us from working in solidarity and because employers' prejudices prevent people of colour from getting work so they can feed their families and because government policies created and maintain a poverty cycle for Aboriginal peoples and because police are more concerned with protecting property than with protecting workers rights and because it's the employer who does the hiring and they're discriminating and because in order to demand fair treatment from employers we need a better picture of what's actually happening out there and because there's been so much misinformation about employment equity that it's hard to tell myth from fact and because history tells us that the only way we can deal with oppression is to name it and because contract workers are exploited by middlemen and denied the benefits of unionization and because migrant farm workers are exploited by employers and denied full rights by governments and because in a few years workers of colour will be the majority in our cities and must be heard and because many of our union executives still don't reflect the diversity of our membership (gender, age, race, religion, first language) and because we all need to know how to support a human rights cause / agenda and because we all need to know the lines of harassment and because if we don't deal with oppression we will be crushed by it and because

AN INJURY TO ONE IS AN INJURY TO ALL.

POLICY STATEMENTS

CEP and CAW Policy Statements related to Human Rights

At the founding Convention of Unifor, delegates passed a resolution bringing forward all CEP and CAW policy statements, until such time as new, consolidated and updated Unifor policies will be created. The resolution noted that “particularly policies for women, young workers and equity seeking groups ... are especially important for the engagement of members in the life of Unifor”.

Copies of the following policies (as well as many others) can easily be found on the old CAW and CEP websites (www.caw.ca and www.cep.ca). These policies remain in effect until such time as new policies are adopted by Unifor.

CAW Pride Policy Statement (2003)

CAW Statement on Affirmative Action

CAW Statement: Human Rights are Workers Rights

CAW Statement on Immigration and Refugee Policies

Statement on International Politics

Statement on Palestine

CAW National Executive Board Policy on Violence Against Women

CAW National Executive Board Policy on Women, Violence and Justice

CAW National Executive Board Policy on the Montreal Massacre

CAW National Executive Board Policy on the Sex Trade

CAW National Executive Board Policy on Hate Crimes

CAW National Executive Board Policy on Lesbian, Gay, Bisexual and Trans issues

CAW National Executive Board Policy on the International Day for the Elimination of Racism

CAW National Executive Board Policy on Iraq

CAW National Executive Board Policy on the War in Afghanistan

CAW National Executive Board Policy on Anti-Terrorism Act C36

CAW National Executive Board Policy on Inclusive Language

CAW National Executive Board Policy on Internet Use

CAW National Executive Board Policy on Shelter

CAW National Executive Board Policy on the Family

CAW National Executive Board Policy on Young Workers

CEP Policy 919 – Privacy

CEP Policy 912 – National Women’s Committee

CEP Policy 905 – Pay Equity

CEP Policy 904 – Child Care
CEP Policy 902 – Employment Equity
CEP Policy 913 – Equality Action Plan
CEP Policy 901 – Human Rights
CEP Policy 908 – AIDS
CEP Policy 918 – Anti-Racism Policy
CEP Policy 920 – Young Workers Policy
CEP Policy 925 – Global Solidarity
CEP Policy 617 – Community Relations
CEP Policy 804 – Working Families