



Human Rights
Droits humains

Workplace Harassment Model Language

Workplace Harassment - Basic

The Company 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 company 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 Company 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.

All training will be delivered by Unifor facilitator(s). The Company agrees to pay all course costs including Unifor facilitator(s), any travel/accommodation, materials costs etc.

The Company 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/Company Official or Joint Building a Respectful Workplace Committee will immediately inform their Union or Company 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 company 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 company. Any discipline implemented by the company 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

