



OSSTF Limestone District 27 Anti-Harassment Policy

Prevention and Resolution of Harassment

A member of OSSTF/FEESO has the right to a workplace and union environment free from discrimination, harassment and bullying. It is the Policy of OSSTF Limestone District 27 that harassment is unacceptable and will not be tolerated at all OSSTF meetings, events and communications.

Our Commitment

Federation and Union solidarity is based on the principle that union members are equal and deserve mutual respect. As unionists, our goals are mutual respect, cooperation and understanding. We neither condone nor tolerate behaviour that undermines the dignity or self-esteem of any individual or creates an intimidating, hostile or offensive environment.

OSSTF Limestone District 27 is committed to providing a safe and respectful work and union environment for all members, elected officers and staff. No member has to tolerate harassment at OSSTF Limestone District 27, for any reason, at any time. No member has the right to harass another member.

This policy is one step toward ensuring that our workplace is a comfortable place for all of us. At OSSTF Limestone District 27, we will not tolerate harassment.

The roots of systemic harassment and discrimination include but are not limited to racism, sexism, homophobia, and transphobia. OSSTF/FEESO does not condone harassment or discrimination, on the basis of age, national or ethnic origin, colour, religion, sex, gender identity, sexual orientation, race, socio-economic status, or mental and physical disability.

Acts of harassment and discrimination are always degrading, unwelcome and coercive. They are always unacceptable.

Harassment and the Law

The *Ontario Human Rights Code* and the *Occupational Health and Safety Act* protect us from workplace harassment. The *Criminal Code* protects us from physical and sexual assault. You have a right to live and work without harassment, and if you are experiencing it, you can do something about it.

If the harassment involves physical or sexual assault, which are criminal offences, informing the police is the appropriate avenue.

If the harassment falls under one of the protected grounds, you may also go directly to the Human Rights Tribunal of Ontario for assistance.

Bullying

Bullying is usually seen as acts or verbal comments that could psychologically or 'mentally' hurt or isolate a person in the workplace. Sometimes, bullying can involve negative physical contact as well. Bullying usually involves repeated incidents or a pattern of behaviour that is intended to intimidate, offend, degrade or humiliate a particular person or group of people. It has also been described as the assertion of power through aggression.

Members' Responsibilities

All members have the responsibility to treat each other with respect and for speaking up if they or someone else is being harassed. All members are responsible for reporting harassment to the appropriate person—the Anti-Harassment Officer, their Bargaining Unit President, or the District President. All members are responsible for respecting the confidentiality of anyone involved in a harassment complaint.

District President's Responsibilities

The District President will treat all incidents of harassment seriously and undertake to act on all complaints and to ensure that they are resolved quickly, confidentially, and fairly.

District Executive Responsibilities

The executive members of OSSFT Limestone District 27 are responsible for fostering a safe working environment, free of harassment. We must set an example for appropriate workplace behaviour and address harassment immediately on becoming aware of it, whether or not a complaint has been made.

INFORMATION FOR VICTIMS

What Is Harassment?

Harassment is defined as engaging in a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome. It can include unwelcome and/or repeated words or actions that are known or should be known to be offensive, embarrassing, humiliating or demeaning to a person(s). It can also include behaviour that intimidates, isolates or even discriminates against an individual(s) that is unwelcome. It includes actions, comments, or displays. It may be a single incident or continue over time.

Discrimination: treating someone unfairly by either imposing a burden on them, or denying them a privilege, benefit or opportunity enjoyed by others, because of their race, citizenship, family status, disability, sex or other personal characteristics.

This definition of workplace harassment is broad enough to include harassment prohibited under Ontario's *Human Rights Code*, as well as what is often called "psychological harassment" or "personal harassment." The Ontario Human Rights Commission has a role in facilitating compliance with the *Ontario Human Rights Code*.

Poisoned Work Environment: a negative, hostile or unpleasant workplace due to comments or conduct that tend to demean a group identified by one or more prohibited grounds under the Code, even if not directed at a specific individual. A poisoned work environment may result from a serious single event, remark or action. (OHRC)

Reprisal: An action or threat that is intended as retaliation for claiming, enforcing or refusing to infringe a right under the Code.

Examples

Harassment and discrimination can take many forms and may be verbal, physical, or psychological. They can involve a wide range of actions, including comments, gestures or looks, pictures, messages, touching, or more aggressive actions. These acts may be indirect or overt, and they may be isolated or repeated.

Some examples of harassment may include, though are not limited to:

- Actions, words, gestures with a negative impact on another member;
- Unwelcome remarks, slurs, jokes, taunts, or suggestions about a person's body, clothing, race, national or ethnic origin, colour, religion, age, sex, marital status, family status, physical or mental disability, sexual orientation, pardoned conviction, or other personal characteristics;
- Unwelcome sexual remarks, invitations, or requests (including persistent, unwanted contact after the end of a sexual relationship);
- Displays of sexually explicit, sexist, racist, or other offensive or derogatory material,
- Written or verbal abuse or threats;
- Practical jokes that embarrass or insult someone;
- Leering (suggestive staring) or other offensive gestures;
- Unwelcome physical contact, such as patting, touching, pinching, hitting;
- Patronizing or condescending behaviour;
- Abuse of authority that undermines someone's performance or threatens their career;
- Vandalism of personal property, and/or physical or sexual assault.

COMPLAINT PROCEDURES

The Right to Speak Up

As OSSTF/FEESO members, we must speak out against this conduct and stand together to protect human rights. We must take action.

OSSTF/FEESO is committed to strengthening member solidarity and, in addition to representing members' interests in the workplace, takes its own responsibility seriously to ensure that members are treated with respect and dignity at all provincially sponsored OSSTF/FEESO events and meetings.

If you believe that you are being harassed, speak up right away. If possible, tell the person that you are not comfortable with their behaviour, and want it to stop. Usually, that will be all you need to do. You can speak to them directly or write them a letter (date it and keep a copy). In addition, tell someone you trust what you are experiencing. You may wish to seek advice from the assigned Anti-Harassment Officer, District President or your Bargaining Unit President.

Documentation/Evidence

Record all unwelcome or harassing behaviour. Write down what has happened, when, where, how often, who else was present, and how you felt about it. Keep hard copies of all notes in a secure location, not at your worksite.

Report It

If the harassing behaviour occurs again, or if you do not feel safe approaching the member directly, report it to the person assigned as Anti-Harassment Officer. The Anti-Harassment Officer must be identified at every OSSTF meeting, workshop, conference or function. This person receives your complaint and investigates the allegation. The assigned Anti-Harassment Officer will ask questions such as what happened, when, where, how often, and who else was present, and will keep notes of the conversation. If there is no assigned Anti-Harassment Officer, the District President serves as the Anti-Harassment Officer. In the case that the District President is involved in the complaint, please speak with your Bargaining Unit President, who will seek advice from Provincial Office. If for some reason, you are unable to report harassment to someone at OSSTF Limestone District 27, you may call OSSTF Provincial Office (1-800-267-7867) or email OSSTF Provincial Office.

Informal Investigation

You may choose to proceed informally at first. This means you can ask the assigned Anti-Harassment Officer identified at the OSSTF function or worksite, or the District President, to help you communicate with the other person or speak to them on your behalf, without going through actual mediation or a formal complaint. The informal approach may not always be possible or successful, but when it is, you may be able to resolve the situation quickly.

Mediation

It may be appropriate to attempt to resolve the complaint through mediation before going to a formal investigation. The District President may refer the matter to Mediation Services Resource Bank (MSRB), if you and the respondent agree. The mediator should not be involved in investigating the complaint and should not be asked to represent either party at any stage of any proceedings related to the complaint. Mediation is a voluntary process. A member must not feel pressured to participate.

Formal Investigation

If you choose to proceed with a formal complaint, it will be investigated by the assigned Anti-Harassment Officer or a designate appointed by the District President. This person will investigate the complaint thoroughly. They will interview the complainant, the respondent, and any witnesses. All members have a responsibility to co-operate in the investigation.

Both the complainant and the respondent have the right to be accompanied by someone with whom they feel comfortable during any interviews or meetings.

An investigation will involve:

- 1) getting all pertinent information from the complainant as soon as possible, normally within five (5) working days of the complaint;
- 2) informing the respondent of the details of the complaint, and getting their response, normally within seven (7) working days following Step 1;
- 3) interviewing any witnesses as soon as possible, normally within seven (7) working days;
- 4) deciding whether the behaviour falls under the definition of harassment;
- 5) reporting to the District President the results of the investigation, normally within seven (7) days, including recommending appropriate remedies, penalties, or other action if the complaint meets the bar for a finding.

Resolution

Resolutions may include, but are not limited to, apologies, mediation, warnings, temporary access limitations, or removal/exclusion from the meeting or event.

Time Frame

The District has a responsibility to make sure harassment ends as soon as possible. Every effort will be made to resolve complaints quickly, ideally within three (3) weeks of the complaint being made. This timeframe can be adjusted, but the intent is to proceed in a timely fashion.

Record Keeping

The District President shall maintain a confidential file of all records and reports related to the investigation of written Complaints for a period of five (5) years.

Complaints Made in Bad Faith

If the complaint is found to have been made in bad faith, the complainant will be subject to the same remedies as a person found guilty of harassment.

Protection from Reprisals

Members who make a complaint will be protected from reprisals. Anyone who retaliates in any way against a person who has been involved in a harassment complaint will be subject to the same penalties as a harasser.

Confidentiality

OSSTF Limestone District 27 will not disclose any information about a complaint except as necessary to investigate the complaint or to take disciplinary action, or as required by law. Members shall cooperate with the assigned Anti-Harassment Officer and respect confidentiality in the same way.

Appeals Process

A member of OSSTF Limestone District 27 who is not satisfied with the outcome of a harassment complaint may file an appeal with the Anti-Harassment, Anti-Bullying Appeals Committee under the District Constitution, Bylaw 21.

Notes

This policy will be available on the District 27 website and in Branch Representative(s) binders.

To reduce the likelihood of harassment, the District will provide educational materials on harassment to all of its members, to be made available on the website, and aim to arrange for seminars and professional development on harassment at the request of the members.

Policy Changes

Any questions or comments about the policy or its application may be forwarded to the District President. The District Executive will propose changes as necessary to the policy, in accordance with By-law 20, and will review it regularly.

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