



OSSTF Limestone District 27 ANTI-HARASSMENT POLICY

Prevention and Resolution of Harassment in the Workplace

It is the Policy of OSSTF Limestone District 27 that harassment in the workplace is unacceptable and will not be tolerated. All members should enjoy a harassment-free workplace.

Our Commitment

Federation and Union solidarity is based on the principle that union members are equal and deserve mutual respect. As unionists, mutual respect, cooperation and understanding are our goals. 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 put up with harassment at OSSTF Limestone District 27, for any reason, at any time. No member has the right to harass anyone else, at work or in any situation related to employment or Federation involvement. This policy is one step toward ensuring that our workplace is a comfortable place for all of us.

Harassment Is Against the Law

The *Canadian Human Rights Act* and the *Canada Labour Code* protect us from harassment. The *Criminal Code* protects us from physical and sexual assault. You have a right to live and work without being harassed, and if you are harassed, you can do something about it.

Members' Responsibilities

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

District President's Responsibilities

The District President of OSSTF Limestone District 27 has a responsibility to be aware of what is happening in the workplace. The District President will to treat all incidents of harassment seriously and undertake to act on all complaints and to ensure that they are resolved quickly, confidentially, and fairly. At OSSTF Limestone District 27, we will not put up with harassment.

District Executive Responsibilities

The executive members of OSSTF Limestone District 27 are responsible for fostering a safe working environment, free of harassment. We must set an example for appropriate workplace behaviour, and must deal with situations of harassment immediately on becoming aware of them, whether or not there has been a complaint. Courts may impose penalties on the employer and the member, even if neither of them was actually involved in or aware of the harassment but should have known about it. A member that did nothing to prevent harassment or to mitigate its effects may find her or himself facing financial and legal consequences.

INFORMATION FOR VICTIMS

What Is Harassment?

Harassment is any behaviour that demeans, humiliates, or embarrasses a person, and that a reasonable person should have known would be unwelcome. It includes actions, comments, or displays. It may be a single incident or continue over time.

Some examples of harassment include:

- 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;
- humiliating an member in front of co-workers;
- abuse of authority that undermines someone's performance or threatens her or his

- career;
- vandalism of personal property; and/or physical or sexual assault.

The *Canadian Human Rights Act* protects members and customers from harassment that is related to their race, national or ethnic origin, colour, religion, age, sex, marital status, family status, disability, pardoned conviction, or sexual orientation.

Personal Harassment

Disrespectful behaviour, known as "personal" harassment, is also covered in this policy. While it also involves unwelcome behaviour that demeans or embarrasses a member, the behaviour is not based on one of the protected grounds named above. Personal harassment is defined as any objectionable conduct or comment that is directed toward a person that serves no legitimate purpose and has the effect of creating an intimidating, humiliating or offensive work or union environment.

Abuse of Authority

Harassment can take place between co-workers, between an Administrator and member, between people of the opposite sex or of the same sex, between a member and a Board Official or client, or between a member and a job applicant.

Where Harassment Happens

Work-related harassment can take place in the workplace itself, or outside of the workplace in a situation that is in some way connected to work. For example, members (and clients) must be protected from harassment during field trips, off-site meetings, business trips, Federation meetings and functions and any other event or place related to employment or when the member is present in the course of employment or Federation duties.

COMPLAINT PROCEDURES

Speak Up

If you believe 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 is going on. You may wish to seek advice from the District Officer or your Bargaining Unit President.

Keep Notes

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. Write down every instance of

harassment. 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 are unable to deal directly with the person harassing you, report it to the person designated to receive complaints. An Anti-Harassment Officer must be identified at every OSSTF meeting, workshop, conference or function. This person receives your complaint and investigates the allegation. The Designated Anti-Harassment person will ask questions such as what happened, when, where, how often and who else was present and will keep notes of this conversation.

At OSSTF Limestone District 27, the Designated Anti-Harassment Officer is the District Officer. If that person is involved in the complaint, please see, the District President of OSSTF Limestone District 27, personally. 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 the police (for a case of sexual or physical assault). You may also go directly to the Canadian Human Rights Commission for assistance.

Informal Investigation

You may want to proceed informally at first. This means you can ask the Designated Anti-Harassment Officer identified at the OSSTF function or worksite, or the District Officer to help you communicate with the other person, or to 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 Officer is available to act as a mediator, and if the complainant and alleged harasser agree, that person will attempt to help the parties settle the complaint. Alternately, the District President may help settle the complaint, if the parties 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. The Mediation Bank at OSSTF Provincial Office may also be accessed.

However, either party has the right to refuse mediation. You are the only one who can decide if mediation is appropriate for you. Do not agree to it if you feel pressured into it, or feel that you are at a disadvantage or vulnerable because of your age, sex, race, colour, religion, sexual orientation, economic position, or for any other reason. If someone suggests mediation but you are uncomfortable with it, you can say so, and it will not be part of the complaint process. If mediation does become part of the process, each person has the right to be accompanied and assisted during mediation sessions by someone they choose. This person cannot be involved in investigating the complaint, nor be a party at any stage of the

proceeding related to the complaint.

Formal Investigation

If you want to go ahead with a formal complaint, it will be investigated by an Anti-Harassment Officer or the District Officer. This person will investigate the complaint thoroughly. He or she will interview the complainant, the alleged harasser, and any witnesses. All members have a responsibility to co-operate in the investigation.

Both you and the alleged harasser have the right to be accompanied by someone with whom you feel comfortable during any interviews or meetings.

An investigation will involve:

- getting all pertinent information from the complainant as soon as possible, normally within seven working days;
- informing the alleged harasser of the details of the complaint, and getting her or his response normally within seven working days;
- interviewing any witnesses as soon as possible, normally within 7 working days;
- deciding whether, on a balance of probabilities, the harassment did take place; and
- recommending appropriate remedies, penalties, or other action.

Substantiated Complaints

If the investigator decides the complaint is valid, he or she will report in writing to the District President, ideally within seven days of completing the investigation. The investigator will recommend appropriate remedies and disciplinary action, and any other necessary action. The District President will decide what action to take, and will inform both parties of the decision, in writing, ideally within a seven working days of the report being submitted.

Remedies for the Victim

Remedies for a person who has been harassed will include any of the following, depending on the nature and severity of the harassment:

1. A verbal or written apology from the harasser and/or OSSTF Limestone District 27,
2. Whatever other remedies the investigator recommends

Corrective Action for Harassers

Corrective action for harassers will include any of the following, depending on the nature and severity of the harassment:

1. Attend training programs to become better able to comply with the OSSTF Policy on

the Prevention and Resolution of Harassment in the Workplace

2. Harassers may also be obliged to attend an anti-harassment training sessions;
3. Make an apology to the victim;
4. Make a written commitment to cease any and all offensive behaviour
5. Receive a written reprimand from the District President
6. Placing the judgment in the harasser's OSSTF personnel file

If the investigation does not find evidence to support the complaint, there will be no documentation concerning the complaint placed in the OSSTF file of the alleged harasser. When the investigation reveals harassment occurred, the incident and the discipline which is imposed on the harasser will be recorded in the OSSTF personnel file. An overview of the Harassment Complaint Procedure is attached as Appendix A.

If there is not enough evidence to support an allegation of harassment, the investigator will not recommend any penalties or remedies. In this instance, documentation concerning the complaint will be placed in alleged harasser's OSSTF file for of two years.

Time Frame

We have a responsibility to make sure harassment ends as soon as they become aware of it. Complaints will be resolved as quickly as possible, ideally within three weeks of being made. This timeframe can be adjusted but the intent is to proceed in a timely fashion.

Record Keeping

The District Officer shall keep and maintain accurate records of reports of workplace harassment taken received by OSSTF Limestone District 27 and the disciplinary action taken. Such records will be maintained in confidential and restricted files.

Complaints Made In Bad Faith

In the event that the complaint is made in bad faith, that is deliberately and maliciously filed knowing it had absolutely no basis, the complainant will be subject to the same penalties as a harasser. The person unjustly accused of harassment will be given the benefit of any necessary remedies that would be given in a case 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 Designated Anti-Harassment Officer and respect confidentiality in the same way.

Other Recourse

A member of OSSTF Limestone District 27 who is not satisfied with the result of a harassment complaint can consult the Canadian Human Rights Commission. Information on filing a complaint can be obtained by phoning the Commission's toll-free number 1-888-214-1090.

If the harassment involves physical or sexual assault, which are criminal offences, informing the police is the appropriate avenue. Complainants should be aware that there is a one-year time limit for filing a complaint with the Canadian Human Rights Commission.

Educational Resource

In an effort to reduce the likelihood of harassment, OSSTF Limestone District 27 will provide educational materials on harassment to all of its members and arrange for seminars on harassment at the request of the members. This policy will be distributed to all worksites at the beginning of each school year.

Policy Changes

If you have questions or comments about the policy or its application, please speak to the District President. The District Executive will make changes to the policy as necessary, and will review it regularly.