



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 harassment and bullying. It is the Policy of OSSTF Limestone District 27 that harassment is unacceptable and will not be tolerated.

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 tolerate harassment at OSSTF Limestone District 27, for any reason, at any time. No member has the right to harass another member, in any situation related to Federation work. 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.

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 being harassed, and if you are experiencing harassment, 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.

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, 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 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. A member that did nothing to prevent harassment or to mitigate its effects may find themselves facing financial and legal consequences.

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.

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*.

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 a member in front of others;
- abuse of authority that undermines someone's performance or threatens their career;
- vandalism of personal property; and/or physical or sexual assault.

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. 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

Abuse of authority applies when an individual inappropriately uses their power and position through intimidation, threats or coercion. These actions can threaten their sense of job security or undermine their ability to work effectively.

Where Harassment Happens

Harassment can take place in the workplace itself, or outside of the workplace in a situation that is in some way connected to Federation involvement.

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 assigned Anti-harassment Officer, District President 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 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 this conversation.

In the event when there is no assigned Anti-Harassment Officer, it is the District President. 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).

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 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 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 go ahead 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 of harassment.

Unsubstantiated Complaints

The District President will report to the complainant and respondent the results of the investigation, ideally within three (3) working days of the report being submitted by the investigator.

Substantiated Complaints

The District President will decide what action to take, and will inform both parties of the decision, in writing, ideally within three (3) working days of the report being submitted by the investigator.

Remedies for the Complainant

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 respondent and/or OSSTF Limestone District 27
- 2) any other remedies the investigator recommends.

Resolution

Resolutions may include but are not limited to apologies, mediation, warnings, temporary limiting access, 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 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 keep a confidential file of all records and reports related to the investigation of written Complaints for a period of 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 result of a harassment complaint can file an appeal with the Anti-Harassment, Anti-Bullying Appeals Committee according to the District Constitution, Bylaw 21.

Educational Resource

In an effort to reduce the likelihood of harassment, the District 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 available on the District 27 website.

Policy Changes

Any questions or comments about the policy or its application may be forwarded to the District President. The District Executive will make changes to the policy as necessary and will review it regularly.