

OSSTF District 14 Policy and Procedure on the Prevention and Resolution of Harassment for All Members

Anti-Harassment Statement

Every Member of District 14 OSSTF has the right to a workplace and union environment free from harassment, discrimination, and bullying, in which all are treated with respect and dignity.

Harassment and discrimination have a destructive effect on the workplace or union environment, individual well-being and on union solidarity. Harassment is unacceptable and will not be tolerated.

Harassment is any vexatious conduct or comment which is known or ought reasonably to be known to be unwelcome, which intimidates or threatens, humiliates, belittles, embarrasses or demeans another person. Harassment can take many forms and may be verbal, physical or psychological. It can involve a wide range of actions including, but not limited to: comments, gestures or looks, pictures, messages, touching, or more aggressive actions. These acts may be overt or indirect; isolated or repeated; in person or by telecommunication. Bullying is any form of harassment that involves a power imbalance. Sexual harassment is any unwanted attention of a sexual nature that could reasonably be thought to put sexual conditions on a person's job, employment opportunities or union involvement.

As a Member of OSSTF, our goal must be to protect human rights, to promote mutual respect and trust, and to foster inclusion. We must not condone or tolerate intimidating, demeaning, hostile and aggressive behaviour against another Member or employee. District 14 takes seriously its responsibility to ensure that every Member is treated with dignity and respect at all District 14 sponsored events and gatherings, including workshops, meetings, conferences, business travel, off-site meetings, or work or union-related social gatherings.

Harassment needs to be addressed with sensitivity and discretion. Any Member who feels targeted by harassment or discrimination must be able to speak up and

know that their concerns will be responded to immediately in accordance with the policy and procedure.

This policy focuses on the prompt resolution of harassment complaints. This procedure is to be used by any Member or employee who feels victimized by harassment in any form so that, where possible, complaints can be resolved internally, and can work towards reconciliation and the reparation of harm.

It is the responsibility and duty of any Member subject to allegations or harassment to cooperate in seeking resolution and to accept and abide by decisions made in accordance with this policy.

Complaint and Resolution Procedure

A Member of OSSTF who believes they have been the target of harassment or discrimination at a District 14 sponsored meeting, event, or workplace is encouraged to take immediate action to ensure this behaviour is stopped.

As a first step, the employee or Member (the complainant) should make it clear to the individual whose behaviour is alleged to be harassment (the respondent) that they find the behaviour offensive, and ask that it be stopped. This can be done personally, either in writing or verbally, or with the assistance of a third party. The complainant is encouraged to keep a personal, written record of all harassing behaviour.

If the behaviour recurs or persists, or if the complainant does not feel safe in approaching the alleged directly, they should speak with the designated officer(s) and ask them to act. If no officer has been designated, the Member should speak with the Executive in charge to ask that one be appointed.

The designated officer(s) will investigate the complaint promptly, including separately interviewing the parties involved and any witnesses, with a view to resolving the problem informally. During this process the designated officer(s), with the approval of

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the Executive in charge, may remove the respondent temporarily from the meeting if circumstances warrant.

The investigation will be handled confidentially; however, all complaints will be reported by the designated officer(s) to the Executive in charge and the Bargaining Unit President.

If the complaint is lodged against the Bargaining Unit President or Executive in charge, the complaint will be reported to the District Officer.

The designated officer(s) may act as informal mediator(s) to help settle the complaint, if the parties agree. Either party has the right to refuse informal mediation. If the complaint cannot be resolved informally, the complainant will be asked to put the complaint and all relevant information in writing. If the complainant chooses to provide such a written complaint, it will be submitted to the Bargaining Unit President or Executive Officer in charge for action. It shall be the responsibility of the Bargaining Unit President and the designated officer(s) to promptly conduct an investigation, determine whether, on a balance of probabilities, that the behaviour falls under the definition of harassment, and decide on appropriate remedial action. The parties involved will receive a written report stating the findings and any action taken.

Resolutions may include but are not limited to apologies, mediation, warnings, temporarily limiting access, or removal/exclusion from the meeting or event. If a decision is made to remove or exclude a Member a confidential letter outlining the reasons for this decision will be sent to the Member, through their Branch President or Bargaining Unit President.

The Bargaining Unit President shall keep a confidential file of all records and reports related to the investigation of written complaints for a period of five years.

Appeal Procedure

A Member or employee affected by a decision resulting from a complaint under the District's Anti-Harassment Policy and Procedure may appeal this decision by submitting a written request to the Bargaining Unit President for an Appeal Hearing. Such request must be made within one month. The Bargaining Unit President shall promptly appoint three (3) Members of the Council to form an Appeal Committee to consider the complaint, the investigation process findings, and the decision. The decision of the Appeal Committee shall be consistent with the Bargaining Unit Anti-Harassment Policy and Procedures. The Appeal Committee shall promptly report the decision of the Appeal to the Bargaining Unit President, who will communicate the decision of the Appellant in writing forthwith. The decision of the Appeal Committee shall be considered final and not subject to any appeal.

Any person who makes a complaint or exercises their right to appeal shall be protected from reprisals. Anyone who retaliates in any way against a Member who has been involved in a harassment complaint will be subject to the same penalties as the harasser.

In the event that a complaint is made in bad faith, that is deliberate and maliciously filed knowing that it has no basis, the complainant will be subject to the same penalties as a harasser. The Member unjustly accused in such a complaint will be given the benefit of any necessary remedies that would be given in a case of harassment.

None of the above restricts a Member's right to file a complaint with the Ontario Human Rights Commission or make a complaint to the police. Where it is the employer's responsibility to maintain a workplace free of harassment, a Member may exercise their right to file a complaint under the employer's policies and procedures. If a complaint is or has been dealt with through another avenue of recourse, the complaint process under this policy will not proceed further and the file will be closed.