

OPSEU Harassment and Discrimination Prevention Policy

Proposed Revisions – December 3, 2015

1.0 Introduction

- 1.1 OPSEU has a long tradition of struggle to end harassment and discrimination. The Union recognizes that equity issues are central to representing and defending members' rights in the workplace, Union and community. Harassment and discrimination create a climate of intolerance and division among the membership. By eroding our unity and strength, they can weaken our effectiveness at the bargaining table, in the workplace, on the picket line and in the community. Our ability as Union activists and representatives to respond effectively to situations of harassment and discrimination is essential to building OPSEU's strength.
- 1.2 OPSEU will not tolerate discrimination and harassment. To this end, the Union will promote human rights and make every effort to prevent violations within the scope of this Policy. This Policy is one step in our fight to eliminate personal harassment, harassment and discrimination contrary to the *Ontario Human Rights Code* ("Code") and OPSEU's Constitution which affirms that every member has the right to be treated with dignity and respect.

2.0 Scope and Application

- 2.1 The Policy applies to all OPSEU members, including retired members and elected leaders during any Union-related duties, activities and functions. This includes, but is not limited to, local meetings, conferences, Conventions, educationals, social functions, picketing and demonstrations. It also applies to union-related interactions between members and elected Union leaders in the workplace.
- 2.2 Nothing in this Policy is intended to preclude a member from accessing a complaint procedure under a Collective Agreement, the *Code* or other legislation.
- 2.3 In certain circumstances, it may be necessary for the Union to initiate an investigation of an incident(s) in the absence of a complaint from a member. In order to promote respect for human rights, the Union has an obligation to take action to prevent and discourage behaviour, which contravenes this Policy.
- 2.4 The recommendation(s) for remedy, corrective action or sanction could include, but are not limited to a warning, reprimand, apology, education, removal from office, bar on running for office for a specified time.
- 2.5 This Policy addresses all forms of harassment and discrimination, including systemic discrimination. Where the term "systemic" discrimination is used in the Policy and/or Procedures Manual, it refers to patterns of behavior, policies, or practices that are part of OPSEU's structures, and which create or perpetuate disadvantage based on a prohibited ground.

3.0 OPSEU Members – Roles & Responsibilities

3.1 All members of OPSEU are responsible for maintaining and promoting an environment that is free of discrimination and harassment.

4.0 Elected Leadership – Roles & Responsibilities

4.1 The elected leadership of OPSEU is responsible for enforcing this Policy. Local Executives, Executive Board Members. Elected Teams and Committees shall:

- a) establish and maintain an environment free of harassment and discrimination;
- b) ensure accommodation needs of members are met;
- c) take appropriate action when they have knowledge of harassment or discrimination;
- d) treat complaints seriously and refer complainants and respondents to Advisors or an Equity Unit Officer.

4.2 The President, First Vice-President/Treasurer, Regional Vice-Presidents, and the Executive Board, as appropriate, shall implement all recommendations for remedy as determined through a mediation settlement, investigation or appeal of a complaint unless the recommended remedy contravenes the constitution or OPSEU policies, or other factors outweigh the general interest. If recommendations are not implemented, then, where possible, written reasons will be provided.

5.0 Harassment and Discrimination Contrary to the Code

5.1 OPSEU adopts the language and principles of the *Code*. Every member has a right to equal treatment with respect to Union-related duties, activities and functions without discrimination because of the following prohibited grounds:

- a) race;
- b) ancestry;
- c) place of origin;
- d) colour;
- e) ethnic origin;
- f) citizenship;
- g) creed;
- h) sex (includes pregnancy);
- i) sexual orientation;
- j) gender identity;
- k) gender expression;
- l) age;
- m) marital status;
- n) family status;
- o) disability.

5.2 Policy violations may include:

- a. reprisal, which means being targeted on the basis of having:
 - i. filed a complaint under this Policy;
 - ii. participated in any proceeding in accordance with this Policy;

- iii. been associated with a person who has filed a complaint or participated in any proceeding in accordance with this Policy.
- b. condonation, where a Union leader does not take appropriate action to address harassment or discrimination;
- c. where a party believes that a complaint itself is a form of harassment and/or discrimination;
- d. breach of a settlement;
- e. discrimination because of relationship, association or dealings with a person or persons identified by a prohibited ground.

6.0 Personal Harassment

- 6.1. OPSEU strives to have an environment free from personal harassment with respect to Union-related duties, activities and functions. Personal harassment is defined as a course of vexatious comment or conduct that is known or ought reasonably to be known to be unwelcome and that is not related to a prohibited ground identified in the *Code*.
- 6.2. Personal harassment includes verbal, physical and psychological forms of harassment. Examples of harassment covered under this Policy may include, but is not limited to, repeated occurrences or use of:
 - a) slurs, insults and name-calling;
 - b) circulating or posting offensive or derogatory pictures or documents;
 - c) public humiliation;
 - d) exclusion from union activities or functions.

7.0 Confidentiality and Privacy

- 7.1. The Union understands that it is in the interests of all parties to keep matters arising under this Policy confidential. Rumours and innuendo destroy the integrity of the fact-finding process and the principles of early resolution.
- 7.2. The Equity Unit, Advisors, Mediators, Investigators and Appeal Chairs will maintain confidentiality, wherever possible, subject to the requirements of a fair process or as otherwise required by law.
- 7.3. It is understood that written reports or decisions of Investigators and Appeal Chairs and Appeal Hearings may be made available for the purposes of implementation, education or reporting to the membership.

8.0 Education

- 8.1. The Union is committed to a preventive strategy that is based in education. To that end, the Union shall:
 - a) provide courses based on harassment and discrimination in each region at least once a year;

- b) incorporate a training component on the Policy and prevention into orientation sessions for Executive Board Members, Chairs of Equity Committees and Caucuses, Local Presidents, and Stewards;
- c) offer orientation to the Policy to all regional/local equity committees/ representatives;
- d) provide a 'lunch 'n learn' on the Policy.

9.0 Administration

- 9.1 The Equity Unit shall be responsible for the implementation of this Policy and the development of a Procedures Manual for it. Such procedures shall be developed in consultation with a subcommittee of three (3) members Advisors and Investigators, the Chairs of the Provincial Equity Committees and Equity Caucuses and shall be reviewed every three (3) years.
- 9.2 Both complainants and respondents have a right to an Advisor under this Policy. Such Advisors shall be members selected by a process outlined in the abovementioned Procedures Manual. Advisors shall be provided with appropriate training to carry out their role and shall be supported by the Equity Unit.
- 9.3 All costs related to the processing of complaints will be borne by the Union and shall be consistent with OPSEU policies and practices. If members choose to seek representation or advice from persons not appointed under this Policy such costs will not be covered or be recoverable.
- 9.4 Every effort shall be made to encourage resolution at every stage of the complaint process, where appropriate, including prior to the filing of a formal complaint.
- 9.5 It is recognized that external mediators, investigators and hearing Chairs will be needed from time to time, according to the nature of a complaint.
- 9.6 This Policy, including the Statement of Respect, is to be posted in a visible location in all OPSEU buildings, as well as advertised through the website, newsletters and bulletins, locally, regionally and provincially. In addition, the list of approved Advisors, as well as any forms, will be available through regional offices and on the website.