

JUSTICE 2024

**Not in our Union:
USW's Policy
against Harassment
and Violence**

Participant Manual

Purpose and Objectives

With recent updates to the USW Anti-Harassment Policy and the addition of anti-violence language, the roles and responsibilities of Local Union officers have been clarified and, in some cases, expanded.

It is important that Local Unions take these changes seriously and learn how to implement them. Some officers will be more familiar than others with handling harassment and violence complaints. This workshop looks at key aspects of the updated policy and program that Local Union officers need to know. More specifically, it will focus on what should happen when a member—or employee of the Local Union, if your Local Union has paid staff—files a formal complaint under the policy about something that happened to them during an event put on by the Local Union or in a space controlled by the Local Union. Please note that members are considered employees of the Local Union on days when their lost wages are paid by the Local Union.

Introduce Yourself

Name:

Local Union number:

Your role with the Local Union:

How long have you been involved in our union?

What are you most interested to learn today about the USW Anti-Harassment and Anti-Violence Policy?

Role of the Local Union?

1. Does a Local Union have any responsibilities for addressing harassment and violence? If so, what are those responsibilities?

2. The USW Anti-Harassment and Anti-Violence Policy and Program has recently been updated. Has your Local Union taken any related action? If “yes”, please give some examples of what has been done.

How the Policy Defines Harassment and Violence

Here's how our union's policy defines harassment:

“Harassment” is a form of discrimination. It means improper comment or conduct that a person knows or ought reasonably to know would be unwelcome, offensive, embarrassing, or hurtful. Harassment may result from one incident, or a series of incidents. Harassment can occur between members, between officers, between employees, between officers and employees, between officers and members, between employees and members, between employees and officers or between employees, members, or officers and third parties, like vendors, with whom they are in contact in the course of their work.

Harassment can be based on a prohibited ground of discrimination, as set out in provincial human rights legislation, such as race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status, disability, language, etc. However, it doesn't have to be. Improper conduct or comment which has no work or event-related purpose can also constitute harassment.” (Section B)

Section B also clearly defines sexual harassment, racial harassment, and personal or psychological harassment.

Here's how our union's policy defines violence:

a. The exercise of physical force by a person against a Local Union member, official or employee on Local Union premises or at a Local Union event that causes or could cause physical injury to the member, official or employee.

b. An attempt to exercise physical force against a Local Union member, official or employee on Local Union premises or at a Local Union event that could cause physical injury to the member, official or employee.

c. A statement or behaviour that is reasonable for a Local Union member, official or employee to interpret as a threat to exercise physical force against the member, official or employee on Local Union premises or at a Local Union event, that could cause physical injury to the member, official or employee.

Domestic violence is considered workplace violence when:

A person who has a personal relationship with a Local Union member, official or employee such as a spouse or former spouse, current or former intimate partner or a family member physically harms, or attempts or threatens to physically harm, that Local Union member, official or employee on Local Union premises or at a Local Union activity. (Section B)

The Local Union's Role: Obligations of Policy and of Solidarity

Under the policy, the definition of employee includes full-time, part-time, casual or contract employees of the Local Union, and (except under Section H) members attending events when the Local Union is reimbursing their lost wages.

Policy Obligations

“Local Union officers, members, and staff are encouraged to report any incidents of harassment and/or violence to the appropriate person. All Local Union officers, members, and staff have a role to play for maintaining an environment free from harassment and violence.” (Section B)

“The President shall enforce the provisions of the International Constitution and of these By-Laws and the policies and Manuals of the International Union....” (Article V, Duties of Officers, Section 1 (c), By-Laws for Local Unions)

Not every conflict between Steelworkers will fit the policy's definitions of harassment or violence, nor will every conflict result in a formal complaint. But that doesn't mean there's no problem. And that doesn't mean that Local Union officers should do nothing.

Local Union officers have an obligation to PREVENT harms to health and safety. Even when there is no formal complaint, here are some of the things your Local Union needs to do:

- Adopt an Anti-Harassment and Anti-Violence Policy and Program for your Local Union. To help make this easier for locals, the USW has created a draft policy for Local Unions in order to be consistent with international policy. The Local's policy covers all Local-sponsored events and meetings and all offices and other spaces controlled by the Local Union.
- Once a year, offer training on the USW Local Union Anti-Harassment and Anti-Violence Policy and Program to all members by putting on a presentation (available by contacting your district education coordinator) at a membership meeting, with special advertising to alert all members. And:
 - Mail the policy to every member and post it to the Local Union web site
 - Read the “Yellow Sheet” at the beginning of every membership meeting and other Local Union events
 - Post the “Yellow Sheet” and the policy on Local Union bulletin boards

- Have copies of both the “Yellow Sheet” and the policy available on request at the Local Union office
- Provide copies of both the “Yellow Sheet” and the policy at orientation sessions for new members
- Providing training on the USW Local Union Anti-Harassment and Anti-Violence Policy and Program to Local Union officials and employees.
- Conducting appropriate risk assessments—including surveys and physical inspections—to determine the likelihood that violence could occur in any Local Union workplace. Take any necessary follow-up action.
- Providing Local Union employees with a list of telephone numbers they can use to summon assistance if violence occurs in the workplace.
- Being proactive. Don’t wait until a member or employee files a complaint before addressing inappropriate behaviour at Local Union events and/or in spaces controlled by the Local Union and before taking measures to control the risk of violence.
- Being a model of good behaviour in your Local Union:
 - Treat other union members with respect.
 - Refuse to join in conversations or laugh at jokes that degrade others. And voice your disapproval.
 - Say “no” if anyone tries to share offensive posts or texts or photos they’ve received.
 - Do small acts of civility by, for example, praising good work, not interrupting and giving union members or employees your full attention when they are talking to you.

If a complaint is filed under the policy, the Local Union’s role includes:

- Ensuring the proper administration of the process (see more details on “Flow Chart of the Process”)
- Not judging whether the complaint is valid or invalid
- Keeping all details confidential—including even the fact that a complaint has been filed—and discouraging any gossip or speculation among members, officers, and employees
- Cooperating with the investigator (Section C)

Obligations of Solidarity

The United Steelworkers draws our strength from the solidarity among workers. Harassment and violence undermine solidarity. They also threaten workers' health and safety, because the targets of harassment and violence can suffer emotional, psychological, and physical harms.

Your Local Union would act swiftly if it discovered that workers were being exposed to a toxic chemical or an unsafe machine. It's the same with harassment and violence. Leaders of Local Unions have an obligation to prevent harassment and violence at union events and in union-controlled spaces. And they have an obligation to act when they learn about actual or potential harassment or violence.

An injury to one is an injury to all.

USW Resources for Local Union Officers

Our society is taking harassment and violence more seriously than ever before. This is a good thing. It also means that members and Local Union employees have higher expectation of their union, when it comes to dealing effectively with harassment and violence.

Don't worry! Local Union officers can do a good job. They can take this training; they can read the policy and become familiar with their role and with the process.

And they don't have to do it alone. They can turn for help to:

- Their staff representative
- Their district office
- More USW training. Speak to the district education coordinator. Courses may differ somewhat by district, but could include anti-harassment, human rights, becoming a Women's/Equity Advocate, becoming a United Way labour community advocate, and Elevating Action
- USW's guide: *Not in Our Union! United Steelworkers Guide to Preventing and Dealing with Harassment Within Our Union*

Confidentiality and Protection against Reprisal

Unfortunately, one of the most common responses to harassment or violence is NOT to report it because of fear of backlash and reprisal.

Confidentiality is essential to:

- Protect the safety, health, and privacy of the complainant, respondent, and any witnesses
- Protect the integrity of the anti-harassment and anti-violence process and the reputation of our union. Confidentiality ensures that everyone feel that the policy is fair and safe for them to use

All Local Union officers must keep confidential any information they officially learn about a harassment or violence complaint, even if a complaint involves a friend or relative. This means not talking about or sharing information with anyone who is not a Local Union executive officer or a staff person of the district or Canadian National Office who has been designated to deal with the complaint. Leaking information learned in an official role is a breach of the duties of a Local Union officer.

Confidentiality also applies to the paperwork of harassment and violence complaints. Only the Local Union president should see the full investigation report, which must be kept in secure storage only accessible by the president. Local officers must keep confidential all other documents related to a complaint “except to the extent necessary to prevent harm to anyone, to ensure the requirements of a fair investigation, to take appropriate corrective action, or as otherwise required by law.” (Section E)

Preventing reprisals, or threats of reprisal, is much easier when everyone—the complainant, the respondent, and the Local officers—keeps matters confidential.

Reprisals or retaliation can be direct or indirect. Some examples include malicious statements, gossip, social isolation, physical assault, and loss of the opportunity to take part in union, workplace or community events. It’s a violation of the policy to retaliate against anyone for reporting harassment or violence, for providing information related to a complaint, or for helping resolve a complaint. (Section F and Section G)

Responding with Compassion and Caring

It's hard to give specifics about how to treat others with compassion and caring, because each person and each situation is unique. Here are some general guidelines:

Before any complaints are filed:

Create a list of resources in the community to which to refer complainants, including:

- Toll-free crisis lines that offer support for gender-based violence, mental health, trauma, etc.
- Women's shelters and sexual assault centres, which can often provide counselling or referrals and which can, for cases of domestic violence, conduct risk assessments and create safety plans
- Community organizations working to support Indigenous people, racialized people, members of the 2SLGBTQIA+ community, and people living with disabilities
- United Way Labour-Community Services programs

When a complaint is filed:

Members who experience harassment or violence, or believe they are being harassed or threatened with violence, can feel very upset, even traumatized. They may have grounds to believe that their physical or psychological safety is at risk.

Local Union officers need to respond with compassion and make safety and health a priority. This means talking with the complainant, hearing how their safety is being threatened, and taking steps to increase safety.

In cases involving domestic or sexual violence, Local Union officers should contact the trained staff of the nearest women's shelter or sexual assault centre. (Go to <https://sheltersafe.ca> or <https://hebergementfemmes.ca> to find resources near you.) Ask staff to meet with the complainant and Local Union officers. Follow their advice.

- Reach out to the staff representative assigned to the Local Union if more help is needed, or to the national Education and Equality department with regard to supports in the case of domestic violence.
- If the Local Union has trained Women's/Equity Advocates, they will know of resources in the community.

In all cases, offer complainants and respondents the list of community support services compiled earlier. And offer a referral to a USW support person if the complainant (and

the respondent) wish. USW support persons can include trained Women's or Equity Advocates, social stewards, or other resources suggested by the district office.

Finally, when Local Union officers carry out their roles promptly, they are being compassionate. Delays and confusion just make the process more stressful for everyone.

When a complaint is upheld and as Local Union officers decide on corrective actions:

It's easy to think that corrective actions are about the respondents and what they should do to make amends. But that's only part of it.

Depending on the nature of the harassment or violence and its impact, it may also be necessary to take corrective actions that focus on the complainant, on groups of members, or on all of the membership. Examples are:

- A statement to the complainant from the Local president, acknowledging the difficult times they've lived through
- A statement to the complainant encouraging them to prioritize taking care of their health and offering assistance in accessing services set out in the collective agreement, benefit plan, and/or employer policy
- Safety planning for the complainant, as discussed above
- Measures to support and engage other members who may also have been affected by the harassment or violence, because they witnessed it or had reason to fear they could be affected too

Corrective Actions

When an investigation report finds that harassment or violence did occur, the Local Union president consults with the executive to determine what corrective actions are needed. These actions, and the summary report, are part of the confidential letter that the president sends to the complainant and the respondent.

“Corrective actions” mean actions in keeping with the spirit and intent of the USW Anti-Harassment and Anti-Violence Policy and Program, and consistent with the findings of the investigation report. They will vary, depending on the severity of the harassment or violence and on its nature (personal, racial, gender-based, etc.), and could require the respondent to:

- Apologize to the complainant, in writing and/or verbally
- Provide proof of completing anger-management, anti-racism, or other training
- Agree to refrain from attending union events for a set period of time
- Agree to have no contact with the complainant
- Commit to not repeat the same or similar behaviour again

Corrective actions in cases of violence against Local Union officials or employees on Local Union premises could include keeping access doors locked and/or installing doorbells and cameras or speaker phones so any visitor must identify themselves before being allowed entry.

Corrective actions cannot remove a respondent from their elected union office or make them a member not in good standing. Only charges under the USW Constitution (Article XII) can do that. The Local Union has some options:

1. The Local Union president can file charges against the respondent (see also Article XIII, Section 7 of the Constitution) OR
2. Spell out how the Local Union expects the respondent to behave. Set a deadline, and make it clear that failure to comply will result in the Local Union president filing charges under the Constitution.

Note: It’s important that the responsibility for filing charges not be placed on the complainant (unless they wish to). Others in our union must step up and take responsibility to combat harassment and violence.

The Local Union executive may decide that corrective actions are also needed to support the complainant (see “Responding with Compassion and Caring”) or should include actions taken by the executive itself.

Dealing with Domestic Violence

Some complaints may involve domestic violence. Or someone will reveal that they are in a relationship with an abuser who could come into the workplace. In those cases, it's clear what to do (see Responding with Compassion and Caring).

But many abused people are ashamed and afraid to ask for help. Other Steelworkers can help by knowing the warning signs of domestic violence, and by asking, "Are you okay?" Do not push or take any steps without the other's permission. Domestic violence can escalate to serious injury or death. Always seek advice from a women's shelter or sexual abuse centre.

The warning signs of domestic violence include:

- Obvious injuries such as bruises, black eyes, broken bones, hearing loss (these are often attributed to "falls," "being clumsy," or "accidents")
- Clothing that is inappropriate for the season, such as long sleeves and turtlenecks, or unusually heavy makeup or wearing sunglasses indoors
- Uncharacteristic absenteeism or lateness for work
- Requests for special accommodations such as changing schedules
- Reluctance to leave work
- Changes in job performance: poor concentration, errors, slowness, inconsistent work quality
- An unusual number of phone calls, strong reactions to those calls, or a reluctance to converse or respond to phone messages
- Being unusually quiet and keeping away from others
- Emotional distress or flatness, tearfulness, depression, suicidal thoughts or any extreme emotions
- Uncharacteristic signs of anxiety and fear
- Sensitivity to talking about home life or hints of trouble at home (e.g., references to bad moods, anger, temper, and alcohol or drug abuse)
- Fear of job loss
- Increased use of drugs and/or alcohol
- Co-workers receive insensitive or insulting messages intended for the person experiencing abuse
- Disruptive personal visits to workplace by the current or former partner

Preventing Violence to Local Union Employees

(Section H of the policy sets out some specific obligations for Local Unions who have paid employees. These obligations do not apply to members when being reimbursed lost wages by their Local Union.)

Immediately or before the first employee is hired:

- Inspect the workplace for risks related to violence. Use one of the risk assessment tools handed out in this course or from a workers' health and safety centre or ministry of labour.
 - For example, common risks can include working alone and having cash on the premises.
- Take steps to eliminate any risks identified.
- Create a list of contact numbers that employees can call when violence occurs or is likely to occur.
- Create a list of resources in your community to which you could refer complainants, including:
 - Toll-free crisis lines that offer support for gender-based violence, mental health, trauma, etc.
 - Women's shelters and sexual assault centres
 - Community organizations working to support Indigenous people, racialized people, members of the 2SLGBTQIA+ community, and people living with disabilities
 - United Way Labour-Community Services programs

Some definitions:

A risk assessment identifies if and how there is a potential for violence.

A safety plan includes strategies to protect employees from the risks identified.

When a complaint is filed:

- Review existing safety measures and improve as needed.
- Create a safety plan for the complainant, which could include things like ensuring someone walks the complainant to their car at the end of the work day, keeping their phone numbers and email addresses confidential, etc.
 - The safety plan may only be needed until the investigation is complete; in some cases, the plan may also be needed afterwards and well into the future.

Any Questions?

Flow Chart of the Process

1. A member or employee makes a complaint verbally or in writing to the president of the Local Union. (If the complaint is about the Local Union president, it is made to the staff representative or area coordinator.)
2. The president makes sure that the complaint contains the minimum categories of information as set out in the policy. (Respondent's name, incident(s) being complained of, relevant dates, locations, particulars of what was said and done, any relevant documentation.)
3. If the complaint is made verbally, the president puts it in writing and then shows it to the complainant to confirm accuracy.
4. The president ensures that risk assessments and safety measures for the affected individuals are reviewed and augmented, if necessary (particularly—but not only—in the case of a violence complaint).
5. The president appoints* an investigator (paid for by the Local Union) and gives them the written complaint and any relevant documentation. (*Contact your staff rep or the district office for recommendations of trained/experienced investigators.)
6. The investigator contacts the respondent, gives them a written copy of the complaint, and asks them to make a written response. The investigator shares that written response with the complainant.
7. The investigator conducts an investigation, including: interviewing the complainant, respondent, and any other relevant individuals (such as witnesses); explaining our expectations for confidentiality and no reprisals; and writing a report.
8. The investigator gives a written report to the president within 120 days (whenever possible) of being assigned to the case. The report includes a summary version—excluding all testimony and other details to protect witnesses and ensure confidentiality.
9. The president shares the summary with the Local Union executive and together they determine what, if any, corrective action is needed. “Corrective actions” mean actions in keeping with the spirit and intent of the Anti-Harassment and Anti-Violence Policy and Program and consistent with the findings of the report.

10. The president prepares a letter that includes the summary and (when applicable) corrective action(s), and delivers it to the complainant and respondent.
11. The president makes sure that the full report and a copy of the letter to the complainant and respondent are placed in safe storage that is only accessible to the president.
12. The president makes sure that any corrective action(s) are implemented promptly.

This step could occur at any point in the process: The president consults with their staff representative for advice, especially regarding corrective actions.

