

Revised January 1, 2023

_____ **AREA COUNCIL**

of the

**UNITED, STEEL, PAPER AND FORESTRY, RUBBER,
MANUFACTURING, ENERGY, ALLIED INDUSTRIAL AND
SERVICE WORKERS INTERNATIONAL UNION (UNITED STEELWORKERS),**

(hereinafter the “Area Council”)

**AREA COUNCIL POLICY AND PROGRAM AGAINST HARASSMENT AT AREA
COUNCIL EVENTS AND IN AREA COUNCIL WORKPLACES (the “Policy”)**

THIS POLICY APPLIES TO:

- **all officers of the Area Council**
- **all permanent, casual, and contract staff of the Area Council**
- **all members of the Area Council attending Area Council events**
- **all members of the Area Council who are on union leave and whose wages are being paid by the Area Council.**

STATEMENT OF POLICY ON HARASSMENT AND VIOLENCE

A. INTRODUCTION

The Area Council is committed to providing a harassment and violence-free environment in all Area Council workplaces (meaning any place over which the Area Council has direction and control, such as an Area Council office) and at all Area Council activities.

We have democratically passed tough, meaningful policies on harassment and violence at our Conferences and Conventions, lobbied governments to require that occupational health and safety legislation protect against harassment and violence and negotiated such policies to protect our members. They are not just words. We take them seriously. In addition to cooperation and understanding, mutual respect must be the basis of interaction among trade unionists.

Harassment and violence are no joke. Harassment creates feelings of uneasiness, humiliation and discomfort. It is an expression of perceived power and superiority by the harasser over another person. In addition, all Area Council members, officers and employees are entitled to be physically safe on Area Council premises and at Area Council events.

There are two principles fundamental to the trade union movement: human rights and solidarity. Harassment strikes at the heart of both.

B. SCOPE AND APPLICATION

For the purposes of this policy, the following definitions shall apply:

“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, 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.

“Sexual Harassment” under this Policy means:

- (a) engaging in a course of vexatious comment or conduct against an individual because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought to be known to be unwelcome, or
- (b) making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to an individual and the person knows or ought reasonably to know the solicitation or advance is unwelcome.

Examples of sexual harassment can include:

- sexually suggestive or obscene remarks or gestures
- leering (suggestive staring) at a person's body

- unwelcome physical contact
- having to work in a sexualized environment (bragging about sexual prowess, or discussions about sexual activities)
- circulation or posting of sexist jokes or cartoons, or displays of pin-up calendars or other objectifying material
- transphobic or homophobic comments, questions, jokes, name-calling, and images.

“Racial harassment” means harassment on the grounds of race. It may also be associated with the grounds of colour, ancestry, where a person was born, a person’s religious belief, ethnic background, citizenship or even a person’s language.

Examples of racial harassment can include:

- racial slurs and jokes
- ridicule, insults or different treatment because of a person’s racial identity
- posting/e-mailing cartoons or pictures that degrade a person of a particular racial group
- name-calling because of a person’s race, colour, citizenship, place of origin, ancestry, creed or ethnic background.

“Personal harassment” or “psychological harassment” means engaging in a course of vexatious comment or conduct against an individual that is known or ought reasonably to be known to be unwelcome. Personal or psychological harassment is harassment that is not related to a prohibited ground identified in human rights legislation.

Examples of personal or psychological harassment include:

- spreading malicious rumours, gossip or innuendo
- persistently criticizing, demeaning or ridiculing a person
- undermining or deliberately impeding a person’s work
- excluding or isolating someone
- physical threats or assault
- communication that is insulting, humiliating and mocking
- frequent angry shouting/yelling or blow-ups
- regular use of profanity and abusive or violent language

A reasonable action taken by the Area Council relating to the management and direction of Area Council staff, workplaces or events is not harassment. Harassment also does NOT include the following:

- A disagreement or misunderstanding
- Conflict between co-workers
- A single comment or action unless it is serious and has a lasting harmful effect.

- Rudeness unless it is extreme and repetitive

“Violence” or “workplace violence” is:

- a. The exercise of physical force by a person against an Area Council member, official or employee on Area Council premises or at an Area Council event that causes or could cause physical injury to the member, official or employee.
- b. An attempt to exercise physical force against an Area Council member, official or employee on Area Council premises or at an Area Council event that could cause physical injury to the member, official or employee.
- c. A statement or behavior that is reasonable for an Area Council member, official or employee to interpret as a threat to exercise physical force against the member, official or employee on Area Council premises or at an Area Council event, that could cause physical injury to the member, official or employee.

“Domestic violence” is:

A person who has a personal relationship with an Area Council member, official or employee such as a spouse or former spouse, current or former intimate partner or a family member that may physically harm, or attempt or threaten to physical harm, that Area Council member, official or employee on Area Council premises or at an Area Council activity. In these situations, domestic violence is considered violence.

Examples of violence include:

- Verbally threatening to attack someone
- Leaving threatening notes or sending threatening e-mails
- Shaking a fist in someone’s face
- Wielding a weapon
- Throwing an object at someone
- Sexual violence against someone

The Area Council will neither tolerate nor condone behavior from its officers, employees, members or from others doing business on Area Council property, such as vendors, that is likely to undermine the dignity or self-esteem of an individual, or create an intimidating, hostile, dangerous or offensive environment. All Area Council officers, members, and employees have a role to play in maintaining an environment free from harassment and violence. Area Council officers, members and employees are

encouraged to report any incidents of harassment and/or violence to the appropriate person.

C. COMPLAINTS

The Area Council considers harassment and violence of any kind a serious offence. An individual may make a complaint under this Policy verbally or in writing if they believe their rights under the Policy have been violated.

All complaints under this Policy should be made to the President of the Area Council. In the event the complaint is about the conduct of the President of the Area Council, the complaint should be made to the Staff Representative who services the Area Council or to the appropriate Area Co-ordinator.

Complaints should be as detailed as possible, and should provide the name of the person(s) against whom the complaint is being made, and the incident(s) being complained of, including relevant dates, locations, particulars of what was said or done by whom, and include or list any documentation relevant to the investigation of the complaint. Where a complaint is made verbally, the contact person will reduce the complaint to writing.

Where a complaint has been made, the Area Council will review safety measures with the affected individuals and implement additional measures if necessary, including prohibiting any contact between the complainant and any respondent(s) until the complaint has been dealt with and reporting the incident giving rise to the complaint to the authorities. Details of the complaint will be provided to the respondent(s). The respondent(s) will be asked to provide a response to the complaint which will be relayed to the complainant(s).

Once a complaint has been made, an investigator will be appointed to investigate the complaint. The investigator will meet with the complainant(s), respondent(s) and any other relevant individual(s) for the purposes of conducting an investigation into the complaint. Once the investigation is complete, the investigator will issue a report summarizing the allegations and investigation results. Both the complainant(s) and respondent(s) shall be informed of the results of the investigation and of any corrective action that has been/will be taken as a result of the investigation, in writing.

All Area Council officers, members and employees are required to co-operate with the investigator.

The investigator will, wherever possible, complete the investigation within 120 days of receiving the assignment and in all cases in a fair and timely manner.

This Policy is not intended to discourage anyone from exercising rights pursuant to human rights legislation or pursuant to any other law.

D. FRIVOLOUS OR VEXATIOUS COMPLAINTS

This Policy shall not be used to undermine others through the making of frivolous or vexatious complaints. Claims of harassment or violence which are made in bad faith may result in disciplinary action taken against the complainant

E. CONFIDENTIALITY

The Area Council understands that it is in the interests of all parties that matters arising under this Policy be kept confidential. Rumours and innuendo destroy the integrity of the fact-finding process and principle of the early and expeditious resolution of disputes.

To protect the interests of the complainant(s) and respondent(s), confidentiality will be maintained throughout the complaint process and all records of the investigation once completed will be kept confidential, 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.

F. REPRISALS

This Policy prohibits reprisals against individuals, acting in good faith, who report incidents of harassment and violence, provide information related to a complaint, or help to resolve a complaint. The Area Council will take all reasonable and practical measures to prevent reprisal or threats of reprisal. Reprisal is defined as any act of retaliation, either direct or indirect.

Any individual who believes they have been the subject of a reprisal may make a complaint under this Policy.

G. CONSEQUENCES FOR VIOLATION OF THE POLICY

A substantiated complaint or reprisal will result in appropriate corrective action up to and including discipline for those found to have acted in violation of the Policy.

H. MEASURES FOR THE PREVENTION AND CONTROL OF WORKPLACE VIOLENCE

In addition to the complaint process outlined above, the Area Council has taken a number of measures and procedures to minimize the risk of workplace violence and to provide a safe and healthy work environment for its employees as follows:

i. Summary of Key Roles and Responsibilities

Area Council's Responsibilities

The Area Council is responsible for taking every reasonable precaution to ensure the workplace is safe. These responsibilities include:

- Taking measures to control the risk of workplace violence.
- Investigating and dealing with any incidents or complaints of workplace violence in a fair and timely manner or where appropriate reporting the incident immediately to the authorities.
- Ensuring that staff follow the measures and procedures required by this Policy and that they have the information they need to protect themselves.

Staff Responsibilities

- Staff are responsible for working in compliance with this Policy.

ii. Risk Assessments

The Area Council will conduct appropriate risk assessments to determine the risks of workplace violence that may arise from conducting the work of the Area Council.

Workplace risk assessments may include workplace surveys, physical inspections, and other appropriate means for obtaining information regarding the risk of workplace violence.

The Area Council will conduct workplace risk assessments as often as necessary to ensure the continued protection of its employees and will control the risks identified in the assessment as likely to expose a worker to physical injury.

iii. Information About How to Summon Immediate Assistance

The Area Council shall provide its employees with a list of contact numbers whereby its employees may summon for immediate assistance when workplace violence occurs or is likely to occur.

I. SUPPORT AND TRAINING

The Area Council is committed to supporting those who have been affected by harassment and violence and to providing appropriate training for all Area Council officers, employees, and members on this Policy.

In addition, violence in the workplace information and awareness training will be provided to all staff as appropriate, based on the risk assessment outcomes.

The Area Council will ensure that those designated to investigate complaints have knowledge, training, and experience in issues relating to harassment and violence as well as knowledge of relevant legislation.

J. OTHER RESOURCES

If someone who wishes to make a complaint requires further assistance, they may contact the following individuals/organizations:

Staff Representative: [Name]

Area Co-ordinator: [Name]

DATE:

APPROVED BY: [AREA COUNCIL PRESIDENT]