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AREA COUNCIL

(hereinafter the “Area Council”)

of the

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

(hereinafter the “International Union”)

**AREA COUNCIL POLICY AND PROGRAM AGAINST HARASSMENT AND
VIOLENCE AT AREA COUNCIL EVENTS AND IN AREA
COUNCIL WORKPLACES**

(the “Policy”)

A. SCOPE AND APPLICATION

This Policy applies to all officers and staff of the Area Council, including:

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

The Area Council President is responsible for implementing this Policy. This Policy applies to incidents that occur at Area Council workplaces, regardless of whether or not the incidents occur during regular working hours. Area Council workplaces include any place at which officers and employees of the Area Council work, and include:

- the Area Council office
- any other locations where individuals covered by this Policy perform work-related duties or carry out responsibilities on behalf of the Area Council, including meetings, conferences, and other gatherings (together “Union events”)
- electronic communications, including social media, where such communications may be seen as being reasonably connected to the Union work environment.

B. STATEMENT OF POLICY ON WORKPLACE HARASSMENT AND VIOLENCE

i. Introduction

The Area Council is committed to providing an environment free from harassment and violence in all Area Council workplaces and at all Area Council activities.

We have democratically passed tough and 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 activities.

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

The Area Council will neither tolerate nor condone behavior from its officers, employees, members or from others doing business at Area Council workplaces, 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 staff have a role to play in maintaining an environment free from harassment and violence. All are encouraged to report any incidents of harassment and/or violence to the appropriate person.

ii. Definitions

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

“Workplace Harassment”¹ means engaging in a course of vexatious comment or conduct against a worker in a workplace, including virtually through the use of information and communications technology, that is known or ought reasonably to be known to be unwelcome or workplace sexual harassment.

¹ For the purposes of this policy, references to "harassment" include references to "psychological harassment."

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, territorial, and federal human rights legislation, such as race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sexual orientation, sex, 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-related purpose can also constitute harassment.

Examples of 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/or 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

“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, or 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/or 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.

“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 or psychological injury or harm, and includes domestic or sexual violence.
- 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 or psychological injury or harm, and includes domestic or sexual violence.

- 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 or psychological injury or harm, and includes domestic or sexual violence.

“Sexual violence” is: Any form of violence targeting sexuality or any other misconduct, including unwanted gestures, practices, comments, behaviours or attitudes with sexual connotations, whether they occur once or repeatedly, including violence relating to sexual and gender diversity.

“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 physically 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

C. COMPLAINTS

The Area Council considers harassment and violence of any kind a serious offence. An individual may report incidents or complaints of workplace harassment and/or violence verbally or in writing. A complaint of workplace harassment and/or violence should be reported as soon as possible after experiencing or witnessing an incident.

i. Reporting Contact

All complaints under this Policy should be made to the appropriate Reporting Contact, being the President of the Area Council or, in the event that the complaint is about the conduct of the President of the Area Council, the Assistant to the Director in your District.

ii. Information to be Contained in a Complaint

Complaints should be as detailed as possible, and should provide the name of the Complainant(s), the name(s) of the person(s) against whom the complaint is being made, the name(s) of any witnesses or other persons with relevant information, and details of 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. Complainant(s) may also specify if they are willing to participate in mediation.

When submitting a written complaint, please use the complaint form found at Appendix "A". Where a complaint is made verbally, the Reporting Contact will reduce the complaint to writing by filling out the complaint form with the Complainant(s).

iii. Initial Safety Review

Where a complaint has been made, the Reporting Contact will conduct an initial review of the complaint, and will review safety measures with the affected individuals and implement additional measures if necessary. This could include prohibiting any contact between the Complainant(s) and any Respondent(s) until the complaint has been dealt with and/or reporting the incident to the authorities.

iv. Respondent(s) Provided with an Opportunity to Respond

The Reporting Contact will provide details of the complaint to the Respondent(s). The Respondent(s) will be asked to provide a response to the complaint, either verbally or in writing. Where the response is provided verbally, the Reporting Contact, along with the Respondent(s), will reduce the response to writing. The Reporting Contact will then provide the response to the Complainant(s), and provide them with an opportunity to reply, if appropriate in the circumstances.

v. Appointment of Investigator

The Reporting Contact will appoint an impartial Investigator. In some cases, an external Investigator may be appointed. The Area Council will ensure that the Investigator has knowledge, training, and experience in issues relating to harassment and violence, as well as knowledge of the relevant legislation. All Area Council officers, members and staff are required to co-operate with the Investigator.

D. THRESHOLD ASSESSMENT

The Investigator will conduct an initial threshold assessment of the complaint. If the Investigator determines that the complaint (1) would not, if true, make out a violation of this Policy; and/or (2) is frivolous, vexatious, or made in bad faith, the Investigator will

notify the Reporting Contact, the Complainant(s), and the Respondent(s) of such in writing, and will provide them with accompanying reasons. In such circumstances, no further action will be taken in respect of the complaint.

E. MEDIATION

The Investigator will consider whether mediation would be appropriate in the circumstances. Mediation must be voluntary on the part of both the Complainant(s) and the Respondent(s). Mediation may be requested by the parties at any point during the process, including during a formal investigation. If the parties consent to participate in mediation, the Area Council will either appoint an impartial Mediator or the Investigator will work directly with the parties to attempt to facilitate a resolution. The Area Council will ensure that the Mediator has knowledge, training, and experience in issues relating to harassment and violence, as well as knowledge of the relevant legislation.

Possible resolutions may include, but are not limited to:

- an apology
- an agreement to cease certain behaviours
- an agreement regarding respectful workplace protocols
- education or training

The person conducting the mediation may consult with the Area Council Executive on a confidential basis to discuss the possible implementation of an agreed-upon informal resolution.

The person conducting the mediation will confidentially notify the Reporting Contact in writing of the outcome of the mediation, including the terms of any resolution.

In the event that the complaint is resolved through mediation, the Reporting Contact will follow-up with the Complainant(s) within a reasonable time frame to ensure that the resolution has been implemented and that no further problems have arisen.

In the event that the complaint is not resolved through mediation, the complaint will proceed to the formal investigation process outlined below.

F. FORMAL INVESTIGATION

In the event that the complaint proceeds to a formal investigation, the Investigator will meet with the Complainant(s), Respondent(s) and any other relevant individual(s) for the purposes of conducting a formal investigation into the complaint. The Investigator will review any related documentation and will maintain detailed records of the investigation, which will be kept confidential.

Once the investigation is complete, the Investigator will issue a report summarizing the allegations and investigation results. The report will be provided to officers of the Area Council Executive.

The Reporting Contact shall inform the Complainant(s) and Respondent(s) 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.

The Investigator will, wherever possible, complete the investigation within 120 days of commencing the formal investigation 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.

G. 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 being taken against the complainant.

H. REPRISALS

This Policy prohibits reprisals against individuals, acting in good faith, who report incidents of harassment and/or 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.

I. CONSEQUENCES FOR VIOLATION OF THE POLICY

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

Where a member of the Union or a Local Union Officer is found to have violated this Policy, charges may be filed against them pursuant to article XIII of the International Union's Constitution.

J. CONFIDENTIALITY

The Area Council understands that it is in the interests of all parties that matters arising under this Policy remain 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.

In addition, the Area Council may also be required to disclose personal information necessary to inform employees of a specific or general threat of violence or potential violence. In such circumstances, the Area Council will disclose only the minimum amount of personal information that is necessary for such purposes.

K. RECORD KEEPING

The Area Council will keep records of the investigation including:

- a copy of the complaint;
- a record of the investigation including notes;
- a copy of the investigation report (if any);
- a summary of the results of the investigation that was provided to the Complainant(s) and Respondent(s);
- a copy of any corrective action taken to address the complaint or incident of workplace harassment.

Any information or material received in the course of dealing with a situation of harassment or violence will be kept in a safe and confidential location for two years. If, after the expiry of this two-year period, there are no further legal or operational reasons for retaining the records, the Area Council shall destroy these records in a confidential manner.

L. MEASURES FOR THE PREVENTION AND CONTROL OF WORKPLACE HARASSMENT AND VIOLENCE

In addition to the complaint process outlined above, the Area Council continues to take a number of measures and procedures to minimize the risk of workplace harassment and violence, and to provide a safe and healthy work environment for its members and employees, which are outlined below.

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 harassment and violence.
- Investigating and dealing with any incidents or complaints of workplace harassment and violence in a fair and timely manner and/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.
- Ensuring that a copy of this Policy is posted in a conspicuous place where it is available for reference in the Area Council office.
- Encouraging staff experiencing an injury or adverse symptom as a result of an incident of harassment or violence to consult a health care professional.

Staff Responsibilities

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

ii. Workplace Risk Assessments

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

Workplace risk assessments will be conducted by the Area Council and may include workplace surveys, physical inspections, and other appropriate means for obtaining information regarding the risk of workplace harassment and violence. The Area Council will prepare a written report detailing the findings of each assessment. The Area Council will advise the relevant Joint Health and Safety Committee, health and safety representative(s), or, if there is no committee or health and safety representative(s), the workers of the results of the assessment.

Such workplace risk assessments will be conducted as often as necessary to ensure the continued protection of its employees.

The Area Council is responsible for controlling the risks identified in the assessment as likely to expose a worker to physical injury.

iii. Information About How to Summon Immediate Assistance

If you are involved in a situation where workplace violence is occurring or is likely to occur, you can summon immediate assistance by calling building security, the police, or (in an emergency) 911.

Local police:

Other resources:

M. RULES GOVERNING WORK-RELATED SOCIAL ACTIVITIES

At any work-related social events, all individuals covered by this Policy are required to behave in a manner that respects the rules of civility and maintains a courteous and respectful environment, free from all forms of harassment and violence.

N. SUPPORT AND TRAINING

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

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

O. OTHER RESOURCES

If someone requires further assistance, they may contact the following individuals/organizations:

Area Council President:

Area Council Vice President:

Staff Representative:

Area Co-ordinator:

APPROVED BY: _____
AREA COUNCIL PRESIDENT

APPENDIX A:

WORKPLACE HARASSMENT AND/OR VIOLENCE COMPLAINT FORM

for the

**AREA COUNCIL POLICY AND PROGRAM AGAINST HARASSMENT AND
VIOLENCE AT AREA COUNCIL EVENTS AND IN AREA COUNCIL WORKPLACES**

1. Your name and contact information:
2. Are you an officer of the Area Council or a staff member of the Area Council?
3. Name(s) of the individual you are complaining about (the “Respondent”) and their contact information (if known):
4. Name(s) of any witnesses or persons with relevant information to provide about the incident and their contact information (if known):
5. Please provide details of the incident(s) being complained of, including relevant dates, locations, particulars of what was said or done by whom:
6. How do you know about this conduct? (For example, it happened to you, you were there as a witness, or you were told about it by a colleague.)
7. What remedy/ies are you seeking (if any)? (e.g. an apology, a direction to cease certain behaviours, etc.)
8. Are you willing to participate in mediation?

Please attach any supporting documents (for example, photos, copies of emails or text messages, etc.) to your email.