



Policy 903 - CEP Anti-Harassment, Bullying and Union Environment Violence Policy

STATEMENT OF PRINCIPLES

The Communications, Energy and Paperworkers Union of Canada (CEP) believes that every individual has the right to dignity and respect both within the union and in the workplace. The responsibility of creating and preserving a safe and harassment-free environment is a collective one assumed by all CEP members. CEP shall endeavour to provide leadership in setting standards of behaviour, which reflect our commitment to equality.

CEP will not tolerate any form of harassment, bullying or violence within the union environment, whether it be at the local, regional or national level. Such actions may result in sanctions being taken against a member pursuant to the *Anti-Harassment, Bullying and Union Environment Procedures for CEP members*.

APPLICATION OF THE POLICY

This Policy applies to members of the CEP for complaints of harassment that take place within the union environment.

This policy does not apply to any workplace harassment complaints involving members as they will be dealt with through the grievance procedure and/or the applicable workplace harassment policy. Similarly, harassment complaints involving CEP employees must be dealt with under *CEP Anti-Harassment, Bullying, and Union Environment Violence Employee Policy*.

This Policy does not apply directly to third parties. Third parties are individuals in the union environment who are not CEP members or employees (i.e. relatives or acquaintances of members). However, it should be noted that where a third party engages in harassing, bullying or violent behaviour in the union environment, CEP may take steps against the third party, up to and including requiring that individual to leave a CEP event or banning that individual from future CEP events.

This Policy is not intended to discourage or prevent a member from exercising her or his rights under any applicable Human Rights legislation, and/or any other legal rights pursuant to any other law.

DEFINITIONS

Union Environment – For the purposes of this policy, union environment means any CEP event and/or any event in which a member is participating on behalf of CEP including but not limited to conventions, meetings, seminars, councils, courses and conferences whether it be at the local, regional or national level.

Harassment – Harassment is an expression of perceived power and superiority by the harasser(s) over another person or group, usually for reasons of sex, race, ethnicity, age, sexual orientation, gender identity, disability, family or marital status, social or economic class, political or religious affiliation, conviction for an offence for which a pardon has been received, activism and participation in the union, or language.

Harassment is unwelcome, unwanted, and uninvited; it may be expressed verbally or physically; it is usually coercive, and it can occur as a single incident or on a repeated basis. It comprises actions, attitudes, language or gestures, which the harasser knows or reasonably ought to know are abusive, unwelcome, or wrong. It may include but is not limited to:

- Unwelcome remarks, jokes, innuendoes, taunts, or other discriminatory communication in any media;
- Insulting or malicious gestures or practical jokes which cause someone embarrassment or discomfort;
- Ridiculing, degrading or expressing hatred or intolerance, whether verbally, in writing or physically;
- Display of offensive or pornographic material/pictures, graffiti, or other materials
- Placing unreasonable limitations on someone because of a perceived need (e.g., disability, pregnancy, etc);
- Leering (sexually suggestive staring);
- Demands for sexual favours; or
- Unnecessary physical contact such as touching, patting, or pinching.

Bullying and personal harassment – Bullying and personal harassment are defined as deliberate actions, offensive, malicious and/or cruel behaviour with the aim to humiliate, intimidate, undermine, or destroy the character or confidence of an individual or group of individuals. Bullying and personal harassment may include an abuse of power by one person or group over another that degrades an individual. Bullying behaviour is often persistent and part of a pattern, but it can also occur as a single incident. It is usually carried out by an individual, who ought reasonably to have known that her/his actions are unwelcome or unwanted. It can also be an aspect of group behaviour.

Some examples of bullying and personal harassment include but are not limited to:

Verbal communication

- Abusive and offensive language;
- Insults;
- Teasing; or
- Spreading rumour and innuendo

Psychological manipulation

- Unfair blame for mistakes;
- Deliberate exclusion;
- Practical jokes;
- Belittling or disregarding opinions or suggestions; or
- Public criticism

Context is important in understanding bullying, particularly verbal communication. There is a difference between friendly insults exchanged by long-time work colleagues and comments that are meant to be, or are taken as demeaning.

Union environment violence – For the purposes of this policy, violence is defined as any physical assault or threat of physical assault occurring in the union environment.

Examples of union environment violence include, but are not limited to:

- Striking, punching, slapping, or assaulting another person;
- Fighting or challenging another person to fight;
- Grabbing, pinching, or touching another person in an unwanted way, whether sexually or otherwise;
- Engaging in dangerous, threatening or unwanted horseplay;
- Possession of firearms, explosives, or other weapons that are intended by their design to inflict fatal injury;
- Threatening harm or harming another person, or any other action or conduct that implies the threat of bodily harm;
- Stalking (i.e., the repeated following, calling or harassing of another person combined with making of a verbal, written or implied threat of harm); or
- Any other act that would arouse fear in a reasonable person in the circumstance.

**Board Meeting
June 9, 2009**

CEP Anti- Harassment, Bullying and Union Environment Violence

Procedures for CEP Members

1. GENERAL PROVISIONS

- (a) The following procedures apply to any incidents of harassment, bullying and union environment violence that occur within the union environment, as defined in CEP's Anti-Harassment, Bullying and Union Environment Policy for Members.
- (b) The CEP will not disclose a Complainant's or Respondent's name, or any circumstances related to a complaint, to anyone, except as necessary to investigate a complaint or take disciplinary/corrective action related to the complaint, or as required by law. CEP members, staff, officers and independent investigators or mediators (if any) involved in a complaint are reminded to keep all information confidential, except in the above circumstances.

2. INFORMAL/EARLY RESOLUTION STAGE

- (a) Where a Complainant believes that they have been subjected to harassment, bullying or union environment violence, they are encouraged to clearly and firmly make known to the alleged harasser that the behaviour is objectionable and must stop. CEP recognizes, however, that in certain instances such action may not be appropriate or advisable.
- (b) The Complainant may ask a member of a CEP local executive or another trusted union member for their assistance in resolving the situation informally.
- (c) CEP sponsored functions include seminars, conventions, councils, meetings, etc. CEP shall also have designated Ombudspeople to respond to incidents of harassment. Ombudspeople are responsible for attempting to resolve complaints at the Informal/Early Resolution Stage, but do not have any formal responsibilities beyond that stage.
- (d) CEP local union sponsored events include meetings, conferences, social events, etc. The local shall also have designated Ombudspeople to respond to incidents of harassment. Ombudspeople are responsible for attempting to resolve complaints at the Informal/Early Resolution Stage, but do not have any formal responsibilities beyond that stage.
- (e) For national CEP events (refer to section c), the National President shall appoint the Ombudspeople. Ombudspeople may include a National Staff Representative. In appointing Ombudspeople, the size of the event, along with gender and language shall be taken into consideration.

- (f) For regional CEP events (refer to section c), the Regional Vice-President or the Executive Vice-President shall appoint the Ombudspeople. Ombudspeople may include a National Staff Representative. In appointing Ombudspeople, the size of the event, along with gender and language shall be taken into consideration.
- (g) For CEP local events (refer to section d), the Local union president shall appoint the Ombudspeople. In appointing Ombudspeople, the size of the event, along with gender and language shall be taken into consideration.
- (h) Ombudspeople shall investigate the alleged incident and attempt to resolve the issue informally and quickly.
- (i) Possible resolutions at this stage include, but are not limited to, apologies, reprimands and possible expulsions from the event at which the incident/s occurred (including the expulsion of third parties). Where the safety of any individual is compromised or a criminal act is alleged to have occurred, the appropriate authorities shall also be contacted.
- (j) Complaints shall be dealt with at the event or as soon as possible thereafter.
- (k) If the incident is successfully resolved at this stage, the Ombudsperson shall advise the appropriate Regional Vice-President or the Executive Vice-President or the National President or the local President of the incident and no further action shall be required.

3 FORMAL COMPLAINT STAGE

- (a) Where a complaint cannot be resolved informally, the Complainant may file a formal complaint in writing to the appropriate Disciplinary Committee, depending on whether the alleged incident occurred at the regional or national level.
- (b) Each Regional Vice-President shall appoint a three-person Regional Disciplinary Committee (RDC) to respond to formal complaints at the regional level that arise under CEP's Anti-Harassment, Bullying and Union Environment Violence Policy for Members. The members of the RDC shall serve three-year terms and shall receive appropriate training with respect to the handling of harassment complaints. The Regional Vice-President will appoint one member of the RDC to be the Chair.
- (c) The National President shall also appoint a three-person National Disciplinary Committee (NDC) to respond to formal complaints at the national level that arise under CEP's Anti-Harassment, Bullying and Union Environment Violence Policy for Members. The members of the NDC shall serve three-year terms and shall receive appropriate training with respect to the handling of harassment

complaints. The National President will appoint one member of the NDC to be the Chair.

- (d) The complaint must clearly state the facts giving rise to the complaint and refer to the appropriate section of CEP's Anti-Harassment, Bullying and Union Environment Violence Policy for Members, which is alleged to have been violated. The complaint must be filed within 30 days when the alleged incident(s) occurred. (See attached Complainant's Form).
- (e) The complaint shall be submitted under "Confidential Seal" to the Chair of the Disciplinary Committee, c/o the appropriate regional or national office as the case may be.
- (f) The Disciplinary Committee shall examine the complaint as soon as it is submitted to it, and shall determine any preliminary or jurisdictional matter, including but not limited to the timeliness of the complaint, the admissibility of the complaint in the circumstances, and whether or not the complaint is frivolous or vexatious. The Disciplinary Committee has the discretion to extend the time period for filing complaints where it deems it appropriate.
- (g) Where the Disciplinary Committee determines that the complaint is not admissible on preliminary or jurisdictional grounds, it shall inform the Complainant of this decision in writing. The Complainant may appeal a decision with respect to the admissibility of a complaint to the National Appeals Committee, following the process set out in section 7 below.
- (h) Where the Disciplinary Committee determines that the complaint is admissible, the Chair shall provide a copy of the complaint to the Respondent. The Chair will also inform the Respondent of the process and applicable timeframes.
- (i) The Respondent shall have 15 days from the date on which they receive a copy of the complaint to respond to the Disciplinary Committee in writing to the allegations in the complaint. (See attached Respondent's Form).
- (j) The Disciplinary Committee shall provide a copy of the response to the Complainant.

4. MEDIATION STAGE

- (a) Where appropriate, the Disciplinary Committee may determine that a complaint may be best dealt with through mediation between the parties. Mediation should be voluntary on the part of both parties.

- (b) In such a situation, the Disciplinary Committee shall ask the appropriate Regional Vice-President or National President to appoint a neutral mediator. The mediator may be internal or external, depending on the circumstances.
- (c) The Complainant and Respondent shall be provided with the opportunity to meet with a mediator, who shall work with both parties to resolve the situation. Ideally, the mediation should be held in-person. However, mediation may also be held via videoconference or conference call, if the circumstances are such that an in-person meeting is not possible or practical.
- (d) Mediation shall be held within 30 days from the date when the Disciplinary Committee receives the Respondent's response. The Disciplinary Committee has the discretion to extend this time frame, where it deems it appropriate.
- (e) If the mediation proves to be unsuccessful, the complaint shall be redirected back to the investigation stage.

5. INVESTIGATION STAGE

- (a) Where mediation is not appropriate or it proceeds but is unsuccessful, the Disciplinary Committee shall ask the appropriate Regional Vice-President or National President to appoint an investigator. The investigator may be internal or external, depending upon the circumstances.
- (b) The investigator shall investigate the alleged incident(s) and interview the Complainant, the Respondent, and any relevant witnesses for both the Respondent and the Complainant.
- (c) Within 30 days of being appointed, the investigator shall provide a draft written report of his or her findings to the Respondent and the Complainant.
- (d) Both the Respondent and the Complainant shall be given the opportunity to reply in writing to the investigator's draft report. Their replies shall be provided to the investigator within 15 days from the date on which they received a copy of the draft report.
- (e) After having taken into consideration any written reply, the investigator shall produce a final written report within 15 days from receiving the Complainant's and Respondent's replies to the draft report. The final report shall include a statement of his or her findings and may include recommendations for discipline where appropriate.
- (f) The final report shall be submitted to the Disciplinary Committee. Copies of the final report shall also be provided to the Complainant and the Respondent.

- (g) Possible discipline includes a reprimand, a fine, removal from a committee/activity, suspension from membership, expulsion or any other just and equitable disciplinary measure.
- (h) The Disciplinary Committee has the discretion to extend any of the timeframes under this stage, where it deems it appropriate.

6. DECISION-MAKING STAGE

- (a) The Disciplinary Committee shall review the investigator's final report and make a formal decision as to whether the investigator's findings should be accepted and whether any discipline should be imposed.
- (b) The final decision of the Disciplinary Committee shall be in writing and shall include a summary of the Committee's findings and a statement of discipline imposed, if any.
- (c) A copy of the Disciplinary Committee's final written decision shall be sent to the both the Complainant and the Respondent. A copy shall also be provided to the appropriate Regional Vice-President or National President.
- (d) The Disciplinary Committee's final decision shall be made within 30 days from the date that the investigator's final report is received. The Disciplinary Committee has the discretion to extend this timeframe, where it deems it appropriate.

7. APPEAL STAGE

- (a) An appeal lies from a final decision of the Regional or National Disciplinary Committee to the National Appeals Committee.
- (b) The appeal shall be initiated through written notice filed within 30 days of the final decision of the Disciplinary Committee being rendered.
- (c) The procedures to be followed at the appeal stage shall be the same as are laid out in article 17.05 of the CEP Constitution, with any necessary changes being made.
- (d) There shall be no oral hearing before the National Appeals Committee and its decision shall be final and without appeal.