

# Harassment and Discrimination Prevention Policy

[Approved at March 4, 2009 Executive Board meeting]

## 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 harassment and discrimination in accordance with the *Ontario Human Rights 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, retirees, elected officials and guests during any Union-related duties, activities and functions. This includes, but is not limited to, local meetings, conferences, Conventions, educationals, strikes and travel and social functions. It also applies to interactions between members and elected Union officials 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 *Ontario Human Rights 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 reduce its liability and promote respect for human rights, the Union has an obligation to take action to prevent and discourage behaviour, which contravenes the *Ontario Human Rights Code*.
- 2.4 The recommendation(s) for remedy, corrective action and/or sanction could include, but is not limited to, a reprimand and warning, an

apology, a behavioural contract, education or training, prohibition from serving on LEC, suspension or expulsion from membership.

- 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 organizational 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 In keeping with OPSEU’s Constitution and the laws of Ontario, it is recognized that this Policy shall be enforced by the elected leadership of the organization.

- 4.2 Local Executives, Executive Board Members, Elected Teams and Committees shall:

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

- 4.3 The President, First Vice-President/Treasurer, Regional Vice-Presidents, and the Executive Board, as appropriate, shall implement and enforce all recommendations for remedy as determined through a mediation settlement or investigation 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 written reasons must be provided.

### **5.0 *The Ontario Human Rights Code and Prohibited Grounds***

- 5.1 OPSEU's Harassment and Discrimination Prevention Policy (Policy) adopts the language and principles of the Ontario *Human Rights Code* ("Code").
- 5.2 The *Code* states that every person has a right to equal treatment without discrimination because of the following prohibited grounds:

**Prohibited Grounds**

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

**6.0 Confidentiality and Privacy**

- 6.1 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 and informal resolution.
- 6.2 To protect the interests of the Complainant and the Respondent, confidentiality will be maintained throughout the complaint process, subject to the requirements of a fair investigation and resolution process, or as otherwise required by law.
- 6.3 It is understood that Appeal hearings and written decisions of the Appeal Chair are available to the public.

**7.0 Education**

- 7.1 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, 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.

## **8.0 Administration**

- 8.1 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 the Chairs of the Provincial Equity Committees and Equity Caucuses and shall be reviewed every three (3) years.
- 8.2 All costs related to representation, mediation, investigation or a formal appeal will be borne by the Union and shall be consistent with OPSEU policies and practices.
- 8.3 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.
- 8.4 Advisors shall be provided with appropriate training to carry out their role.
- 8.5 Advisors shall attempt to encourage resolution at every stage of the complaint process, where appropriate, and shall be supported by the Equity Unit.
- 8.6 It is recognized that external mediators, investigators and hearing Chairs will be needed from time to time, according to the nature of a complaint.
- 8.7 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.