

## Part I - CUPE Local 1623's Harassment Policy

CUPE Local 1623 is committed to providing a Union environment in which all elected representatives and the general membership are treated with respect and dignity. This policy will reflect the intent, and provisions of the Local's Bylaws as approved by our Membership.

Harassment will not be tolerated from any person in our Union.

### *Harassment means:*

Engaging in a course of vexatious comment or conduct against a member in our Union that is known or ought reasonably to be known to be unwelcome or sexual harassment.

### *Sexual harassment means:*

Engaging in a course of vexatious comment or conduct against a Member because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or 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 the Member and the person knows or ought reasonably to know that the solicitation or advance is unwelcome;

### *Scope:*

This policy applies to any environment in which the Union meets to conduct its business. This includes, but is not limited to, the Union hall or similar environment and electronic or digital communication for conducting Union business.

It shall be understood, that a reasonable action taken, or direction given by the Union Executive relating to the conduct of the business of the Union is not to be considered as harassment.

Members are encouraged to report any incidents of harassment to the appropriate leadership within the Local Union in a timely fashion.

In the case of Local 1623, a standing Health, Safety and Conduct Committee will be established at the beginning of each elected term and report directly to the President of the Local. The committee shall receive all information, task all investigations [Both internal or by a Third Party] and report all findings via a formal written report to the Executive Board of the Local and subsequently to the General Membership on all matters pertaining to the policy herein.

*The Health, Safety and Conduct Committee will be comprised of:*

- 1. The Local President** (or Vice President in lieu)
- 2. One Nominated and Elected Table Officer**
- 3. One Nominated and Elected Member of the Local's Executive Board who is not a table officer.**
- 4. One Member at Large shall be elected from the Local's General Membership at the meeting establishing this standing committee at the beginning of each electoral term.**

In the event that the accused party is a table officer of the Union, the Committee will report all findings to the appropriately designated senior Table Officer of the Union who has been tasked to receive the information on behalf of the Local. If the accused person is a member of the Health, Safety and Conduct Committee, that person must recuse themselves from the investigation.

The Union will investigate and deal with all complaints or incidents of harassment in a fair, respectful and timely manner. Investigating, Reporting and Actioning any incident will begin within 30 Days of a Formal Complaint having been received, unless extenuating circumstances demand a need to interview or collect information from numerous witnesses. In that event, an initial timeline of 90 days will be established by the Committee and approval will be sought from the Local's Executive Board prior to the extension. Information provided about an incident or about a complaint will be confidential except as required to investigate the complaint or incident, to take corrective action or as otherwise required by law, constitution, bylaw or policy within the Local and will only be disclosed to the most limited extent reasonably possible in the circumstances.

Table Officers of the Local, the Executive Board and the General Membership are expected to adhere to this policy and will be held responsible by the Local Executive Board for not following it. Members of the Local are not to be penalized or disciplined for reporting an incident or for participating in an investigation involving harassment.

It is understood that within this policy, a single incident is sufficient to trigger the investigative process. It is further understood that any breaches in process or procedure as defined in this policy are subject to review by the Local Executive Board for possible application of the trial process, as recommended by the Committee to the Executive Board of the Local.

If a Member needs further assistance, he or she may contact their designated CUPE National Representative, access the services of their EAP Provider or utilize other identified support resources made available by the Local to facilitate the reporting and actioning of an incident of Harassment that is reported in good faith as defined in the policy herein.

It is understood that any member maintains their rights to pursue complaints under other legislated processes available to them (Human Rights Code, OHS etc.) or through the provisions of their home position's workplace Collective Agreement as applicable.

Signed or Approved by:

The Executive Board of Local 1623 in the name of the General Membership of the Local.

Dated: \_\_\_\_\_ . Review Date: \_\_\_\_\_ (one year from implementation).

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## Part II – Harassment Program

CUPE Local 1623 is committed to providing a Union environment in which all the members are treated with respect and dignity. Harassment will not be tolerated from any person in the Union.

The harassment program applies to all the members.

### 1. Harassment

Harassment means engaging in a course of vexatious comment or conduct against a member that is known or ought reasonably to be known to be unwelcome or sexual harassment.

*Sexual harassment means:*

Engaging in a course of vexatious comment or conduct against a the member because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome, or 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 the member and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

It is understood, reasonable action taken, or direction given by the Union Executive relating to the conduct of the business of the Union is not harassment.

### 2. Reporting Harassment

#### A. How to report harassment

Members can report incidents or complaints of harassment verbally or in writing. When submitting a written complaint, please use the harassment complaint form (see the attached appendix below). When reporting verbally, the reporting contact, along with the member

complaining of harassment will fill out the complaint form.

The report of the incident should include the following information:

- Name(s) of the member who has allegedly experienced harassment and contact information
- Name of the alleged harasser(s), position and contact information (if known)
- Names of the witness(es) (if any) or other person(s) with relevant information to provide about the incident (if any) and contact information (if known)
- Details of what happened including date(s), frequency and location(s) of the alleged incident(s)
- Any supporting documents the member who complains of harassment may have in his/her possession that is relevant to the complaint.
- List any documents a witness, another person or the alleged harasser may have in their possession that are relevant to the complaint.

B. Who to report harassment to

An incident or a complaint of harassment should be reported as soon as possible after experiencing or witnessing an incident. This allows the incident to be investigated in a timely manner.

Report a harassment incident or complaint to the President of the Local. If the member's President is the person engaging in the harassment, contact the Vice President of the Local. If various members of the table officers of the Union are the persons engaging in the harassment, contact shall be made directly with the Committee and referrals to an appropriate third party shall be made by the Committee with Permission of the Executive Board as practicable. The National Servicing Representative should be made aware of any such complaints as they arise immediately.

The Health, Safety and Conduct Committee shall be notified of the harassment incident or complaint so that they can ensure an investigation is conducted that is appropriate in the circumstances. This may include engaging Internal or External Third Party Investigators subject to the nature of the complaint received.

If the incident or complaint involves multiple Table Officers of the Local Union, an external Third Party, qualified to conduct a harassment investigation, who has knowledge of the relevant harassment laws will be retained as soon as possible to conduct any investigations.

All incidents of harassment will be kept confidential and in the event that information is required to be disclosed, it will be disclosed to the most limited extent reasonably possible in the circumstances.

### 3. Investigation

#### A. Commitment to investigate

CUPE Local 1623 will ensure that an investigation appropriate to the circumstances is conducted when the Local becomes aware of an incident of harassment or receives a complaint of harassment.

#### B. Who will investigate

The Committee will determine who will conduct the investigation into the incident or complaint of harassment. If the allegations of harassment involves multiple Table Officers, the Local Union will refer the investigation to an external third party investigator to conduct an impartial investigation.

#### C. Timing of the investigation

The investigation must be completed in a timely manner and generally within 30 days and up to 90 days unless there are extenuating circumstances (i.e. illness, complex investigation) warranting a longer investigation. Recommendations for extensions will be received by the Executive Board from the Committee in writing describing the nature of the extension required.

#### D. Investigation process

The person conducting the investigation whether internal or external will, at minimum, complete the following:

1. The investigator must ensure the investigation is kept confidential and identifying information is not disclosed unless necessary to conduct the investigation.
2. The investigator should remind the parties of this confidentiality obligation at the beginning of the investigation.
3. The investigator must thoroughly interview the member(s) who allegedly experienced the harassment and the alleged harasser(s). If the alleged harasser is not a member, the investigator should make reasonable efforts to interview the alleged harasser.
4. The alleged harasser(s) must be given the opportunity to respond to the specific allegations raised by the member. In some circumstances, the member who allegedly experienced the harassment should be given a reasonable opportunity to reply.

5. The investigator must interview any relevant witnesses employed or elected by the Local who may be identified by either the member who allegedly experienced the harassment, the alleged harasser(s) or as necessary to conduct a thorough investigation.
6. The investigator must make reasonable efforts to interview any relevant witnesses who are not members of the Local if there are any identified and will make all reasonable efforts to interview any such witnesses.
7. The investigator must collect and review any relevant documents.
8. The investigator must take appropriate notes and statements during interviews with the member who allegedly experienced harassment, the alleged harasser and any witnesses.
9. The investigator must prepare a written report summarizing the steps taken during the investigation, the complaint, the allegations of the member who allegedly experienced the harassment, the response from the alleged harasser, the evidence of any witnesses, and the evidence gathered. The report must set out findings of fact and come to a conclusion about whether harassment was found or not.

#### E. Results of the investigation

Within 10 days of the investigation being completed, all members who allegedly experienced the harassment and the alleged harasser, if he or she is a member of the Local, will be informed in writing of the results of the investigation in writing and any corrective action taken or that will be taken by the Local to address harassment.

#### F. Confidentiality

Information about complaints and incidents shall be kept confidential to the extent possible. All files and documentation shall be kept in trust by the National Servicing Representative offsite from the Union Hall to prevent any breaches in confidentiality.

Information obtained about an incident or complaint of harassment, including identifying information about any individuals involved, will not be disclosed unless disclosure is necessary to protect the members, to investigate the complaint or incident, to take corrective action or otherwise as required by law.

While the investigation is ongoing, the member who has allegedly experienced harassment, the alleged harasser(s) and any witnesses should not to discuss the incident or complaint or the investigation with each other or other members or witnesses unless necessary to obtain advice about their rights.

The investigator may discuss the investigation and disclose the incident or complaint-related information only as necessary to conduct the investigation.

All records of the investigation will be kept confidential.

#### G. Handling complaints

During the course of investigation of any complaints, in consultation with the Committee, the Union will make all reasonable efforts to avoid parties involved or affected by an investigation not be required to work together alone

Any member participating in an investigation will have the right to have a witness present at all times to transact any necessary business of the Local during the period of an investigation.

It is however the preference of the Local that any complainants do not interact publicly or privately during the course of an investigation being handled by the Committee and the Executive Board.

In the event that a complaint is found to be grounded, any member may, at their discretion request the trial process as described and defined in the CUPE National Constitution, CUPE Ontario's Policies and Practices and the Local's Bylaws be used to address the situation at hand.

#### 4. Record keeping

The Committee will coordinate offsite storage with the National Servicing Representative for all final records of any complaint.

All information will be kept in confidence, securely, and all reports or documents pertaining to the investigation including:

1. a copy of the complaint or details about the incident;
2. a record of the investigation including notes;
3. a copy of the investigation report;
4. a summary of the results of the investigation that will be provided in writing to all members involved, including who allegedly experienced the harassment and the alleged harasser
5. a copy of any corrective action taken to address the complaint or incident of harassment.

Records will be held by the National Servicing Representative on behalf of the Local to ensure confidentiality.

All records of the investigation will be kept confidential. The investigation documents, including this report should not be disclosed unless necessary to investigate an incident or complaint of harassment, take corrective action or otherwise as required by law.

Records will be kept for a period of 5 years and then purged.

A Summary note of the incident and corrective action will be kept in perpetuity by the Local for archival purposes.

Date created:

Annual review date: .

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Appendix 1 - Harassment Complaint Form

<u>Name:</u>	<u>Victim:</u> <input type="checkbox"/>	<u>Witness:</u> <input type="checkbox"/>
<u>Job Title:</u>		
<u>Location:</u>		
<u>Was the incident reported to a Senior Union Representative?</u>	<u>Yes:</u> <input type="checkbox"/>	<u>No:</u> <input type="checkbox"/>
<u>Senior Union Representative's Name:</u>		
<u>Was this the accused's first reported incident?</u>	<u>Yes:</u> <input type="checkbox"/>	<u>No:</u> <input type="checkbox"/>
<u>Incident Information</u>		
<u>Date:</u>	<u>Time:</u>	
<u>Type of Incident:</u>		
Verbal Harassment	<input type="checkbox"/>	
Bullying	<input type="checkbox"/>	
Threatening	<input type="checkbox"/>	
Sexual Harassment	<input type="checkbox"/>	
Theft	<input type="checkbox"/>	
Stalking	<input type="checkbox"/>	
Other: _____	<input type="checkbox"/>	
<u>Description of Documents (attached):</u>		

Incident Description:

Name & Contact Information of any Witnesses:

Signature:  
Date:

## Appendix 2 - Investigation Template:

*Note - This template is for a single use, per interview, per witness.*

Each Interview should be separately recorded.

### A. Report Template

A final report format should be consistent with the headings and questions as found below.

1. Name of investigator:
2. Date of investigation:
  - A. Background information
3. Who are the people involved?  
Who reported and when?
4. Name of person who reported harassment
5. If not the same person as above, name of person who allegedly experienced harassment
6. Date complaint/concern raised and how
7. Name of Member(s) (complaining or possibly exposed to harassment):  
Union Position/Department:
8. Name of respondent(s) (alleged harasser);  
Union Position/ Department:
9. If not a member – provide details:

### B. Investigation plan

Plan and conduct the investigation:

- Obtain the member(s) concerns of harassment in writing, if possible. Assistance should be provided in completing a written report when necessary.
- An investigator needs to interview the member who allegedly experienced harassment and the alleged harasser. If the alleged harasser is not a member or member, the investigator should make reasonable efforts to interview him or her.
- Make a list of possible relevant witnesses. The member who allegedly experienced harassment and the alleged harasser should be asked for names of any relevant witnesses.
- Interview relevant witnesses. Ask specific questions about what they have observed, are aware of or have personally experienced. If the witnesses are not members of the Local, the investigator should make reasonable efforts to interview those witnesses.

- Collect and review relevant documents from the member, alleged harasser, witnesses and the Local Union as appropriate.
- Take detailed notes.
- Keep the investigation confidential.
- Instruct the member who allegedly experienced harassment, the alleged harasser and witnesses not to talk to others about the investigation unless it is necessary, for instance, to obtain advice or counselling.

C. The member(s) concerns harassment allegations

When did the incident(s) occur?

Confirm date of first incident and any subsequent behaviours or conduct.

Note: that recalling events of harassment can be stressful for the complainant.

1. Date of first incident:
2. Date of last incident:
3. Date of other incident(s):

D. Alleged harasser(s) response

The alleged harasser(s) will likely need details of the allegation of harassment to be able to respond.

E. Interview relevant witnesses

List witnesses. Interview relevant witnesses and make notes.

F. Collected documentation

List the documents collected for the investigation and how or from whom they were obtained.

G. Investigation result(s)

The investigator's summary report should set out who was interviewed, what evidence was obtained and an analysis of the evidence to determine whether harassment occurred.

- Summary of key evidence:
- Recommended next steps:
- Report provided to: