

Background

As per Bylaw 18.1.8 and Bylaw 19.1.13 of the Provincial Constitution and Bylaws (see below), Districts and Bargaining Units must establish an anti-harassment policy and procedure process that is applicable for locally sponsored OSSTF/FEESO functions.

The local policy and procedures must include the establishment of an anti-harassment officer, a role that must be filled by a member of the Bargaining Unit and District. Some examples of locally sponsored functions include District and Bargaining Unit annual general meetings, council meetings, executive meetings, or committee meetings.

Provincial Constitution and Bylaws Bylaw 18 - Districts 18.1 The District shall provide for: 18.1.8 the establishment of anti-harassment, anti-bullying and anti-sexual harassment policies and procedures that are followed for all OSSTF members and employees for both the office as a workplace and for OSSTF sponsored functions; (A.16) Bylaw 19 - Bargaining Unit 19.1 The Bargaining Unit shall provide for: 19.1.13 the establishment and implementation of anti-harassment policies and procedures which shall be followed by all OSSTF Members and employees at the office as a workplace and at all OSSTF sponsored functions. (A.16)

OSSTF District 35, Brock University Support Staff Bargaining Unit Anti-Harassment Policy

A. Principles of Respectful Workplace and Federation Environments

A member of OSSTF/FEESO District 35, Brock University Support Staff Bargaining Unit (BU) has the right to a workplace and union environment free from harassment and bullying.

Harassment and/or discrimination are not joking matters. They have a destructive effect on the workplace environment, individual wellbeing, and union solidarity. Such actions are not only destructive, they can be illegal.

Inadvertent, hidden and systemic harassment and/or discrimination must be identified and addressed. The roots of systemic harassment and discrimination include but are not limited to racism, sexism, homophobia and transphobia. OSSTF/FEESO District 35, Brock University Support Staff BU does not condone harassment and/or discrimination on the basis of age, national or ethnic origin, colour, religion, sex, gender identity, sexual orientation, race, socio-economic status or mental or physical disability.

Harassment and/or discrimination can take many forms and may be verbal, physical or psychological. They can involve a wide range of actions including comments, gestures or looks, pictures, messages, touching, or more aggressive actions. These acts may be indirect or overt; they may be isolated or repeated.

Acts of harassment and/or discrimination are always degrading, unwelcome and coercive. They are always unacceptable.

As members of OSSTF/FEESO District 35, Brock University Support Staff BU, our goal must be to protect human rights, to promote mutual respect and trust, and to foster inclusion.

We cannot condone or tolerate intimidating, demeaning, hostile and aggressive behaviour against another member. We cannot condone these behaviours when we witness them.

As OSSTF/FEESO District 35, Brock University Support Staff BU members, we must speak out against this conduct and stand together to protect human rights. We must take action.

OSSTF/FEESO District 35, Brock University Support Staff BU is committed to strengthening member solidarity, and in addition to representing members' interests in the workplace, takes seriously its own responsibility to ensure that members are treated with respect and dignity at all locally sponsored OSSTF/FEESO District 35, Brock University Support Staff BU events and meetings.

Any member who feels targeted by harassment and/or discrimination must be able to speak up and know their concerns will be responded to immediately in accordance with OSSTF/FEESO District 35, Brock University Support Staff BU Bylaws and the Resolution and Complaint Process as found in the OSSTF/FEESO District 35, Brock University Support Staff BU Policies and Procedures.

B. Policy and Procedures

What is Harassment?

Harassment and discrimination can take many forms and may be verbal or psychological. They can involve a wide range of actions including comments, gestures or looks, pictures, messages, touching, or more aggressive actions. These acts may be indirect or overt, they may be isolated or repeated. These actions may relate to, but are not restricted to, an individual's race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, age, record of offences, religion, marital status, socio-economic status, family status, or mental or physical disability.

What is not Harassment?

Vigorous professional debate or disagreement during federation discussions or during meetings, in and of itself, does not constitute harassment. Similarly, firm advice given by federation officers/representatives does not constitute harassment nor do innate personal attributes in and of themselves, such as a naturally loud voice, physical appearance, or substantial physical size.

Complaint Resolution Procedure:

Step 1

The member, or an advocate acting on behalf of the member, verbally or in writing, should make known to the individual that their conduct/behaviour constitutes harassment or discrimination and is unwelcome. The member, or advocate, should request that the offensive behaviour(s) cease.

Step 2

If the member (or advocate) is not comfortable approaching the individual or if there is a recurrence of such behaviour(s) following a resolution at Step 1, the member should approach a designated Anti-Harassment Officer at the activity and ask the officer to act on their behalf. If no Anti-Harassment Officer has been designated, the member should approach the

OSSTF representative in charge of the event or activity (i.e., the presiding officer), and request the complaint be addressed.

Step 3

The Anti-Harassment Officer (or appropriate designate), upon request of the complainant, will investigate the complaint promptly and confidentially, including separately interviewing the parties and any witnesses, with a view to resolving the problem informally and having any offensive behaviour(s) stop.

Resolutions at this stage may include (but are not limited to): dismissal of the complaint as vexatious, frivolous, or not meeting the definition of harassment, a verbal apology, a warning from the presiding federation officer, or relocation of the respondent within the venue. If, in the judgment of the Anti-Harassment Officer and/or presiding federation officer, the offending member should leave the activity or event, such a request will be made, and appropriate steps taken to ensure compliance.

Step 4

If the complaint cannot be resolved informally, the Anti-Harassment Officer will ensure that the federation event or activity can proceed without further harassment. The complainant will be asked to put the complaint and all relevant information in writing. If the complainant chooses to provide such a written complaint, it will be submitted to the District 35, Brock University Support Staff BU (Bargaining Unit/District would need to determine who this would be) or designate (designate should be an option in the event that the person previously identified is part of a complaint) for action. As per District 35, Brock University Support Staff BU's Anti-Harassment Policy and Procedures, the Anti-Harassment Officer and/or designate will conduct an investigation, determine if the behaviour falls under the definition of harassment, and decide on appropriate remedial action. The parties involved will receive a written report stating the findings and any action taken.

The complainant may request local Bargaining Unit/District officers to assist in filing the written complaint. The respondent may request local Bargaining Unit/District officers to assist in preparing a rebuttal, defence, or appeal.

Decisions made by the Anti-Harassment Officer or designate may be reviewed by the Bargaining Unit or District Executive at the request of the member.

The Bargaining Unit/District shall keep a confidential file of all records and reports related to the investigation of written complaints for a period of five years.

None of the above restricts a member's right to file a complaint with the Ontario Human Rights Commission or to make a complaint to police.

Anti-Harassment Appeals Procedure:

Members of District 35, Brock University Support Staff BU affected by a decision resulting from a complaint under the Bargaining Unit/District Anti-Harassment Policy and Procedures may appeal this decision using the following procedure:

Step 1

Within 5 days of the decision, the affected member (herein called the Appellant) shall submit a request in writing to the Bargaining Unit/District Executive for an Appeal Hearing.

Step 2

Within 3 days of receiving the request, the Bargaining Unit/District Executive shall appoint 3 members of the Bargaining Unit/District Executive (herein called the Appeals Committee) to consider the appeal.

Step 3

Within 5 days of the formation of the Appeals Committee, it shall meet to consider the appeal.

Step 4

The Appeals Committee shall review the complaint, the investigation process and findings, and the decision.

Step 5

Following the review, the Appeals Committee shall either confirm or modify the decision.

Step 6

The decision of the Appeals Committee shall be consistent with the Bargaining Unit/District's Anti-Harassment Policy and Procedures.

Step 7

The Appeals Committee shall report the decision on the Appeal to the Bargaining Unit/District Executive within 5 days after the meeting at which the Appeal is considered.

Step 8

Within 3 days of receiving the decision of the Appeals Committee, the Bargaining Unit/District Executive and/or Bargaining Unit/District President shall communicate the decision to the Appellant in writing.

Step 9

The decision of the Appeals Committee shall be considered final and not subject to any appeal within the Bargaining Unit/District.

Submitted by: Mary Montgomery, Anti-Harassment Officer
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