

# PROVINCIAL EXECUTIVE POLICY REFERENCE MANUAL

Section A Policy 13

Section:

*ADMINISTRATION*

Subject:

*HARASSMENT*

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By:

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The BCGEU wishes to provide a harassment-free environment during all BCGEU activities and while conducting our day-to-day business.

Interaction between trade unionists must be based on mutual respect, cooperation, and understanding. Harassment creates feelings of uneasiness, humiliation, and discomfort.

The BCGEU will neither tolerate nor condone any behaviour which is likely to undermine the dignity or self-esteem of an individual, or create an intimidating or offensive environment.

For the purpose of this policy, harassment can be defined as any unwelcome action by any person whether verbal or physical, on a single or repeated basis, which ridicules, humiliates, insults or degrades.

"Unwelcome" or "unwanted" in this context means any action which the harasser knows or ought reasonably to know is not desired by the victim of the harassment.

The policy encompasses, but is not limited to, harassment around issues of race (i.e. comments, slurs and jokes), politics, religion, sexual orientation, physical or mental abilities as well as sexual harassment (unwanted attention of a sexual nature such as remarks about appearance or personal life, graffiti or degrading pictures, physical contact or sexual demands).

There are two principles that are fundamental to the trade union movement: human rights and solidarity. Harassment strikes at the heart of both. As trade unionists we must work to protect rights, not take them away.

Trade Union principles prohibit us from infringing on the human rights of others, and oblige us to stand with those whose rights are under attack in order to defend those rights for all of us.

The BCGEU considers harassment of any kind a serious offence. Complaints of harassment should be reported to the Ranking Elected Officer or the staff person at the activity where the harassment occurs to be investigated in an expeditious manner. A substantiated complaint may result in the removal of the harasser from the event.

If the complaint of harassment arises out of any other union activity, the matter should be reported to an Area Office, Coordinator or Director.

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### HARASSMENT POLICY INVESTIGATION PROTOCOL

Complaints of harassment at activities of the BCGEU will be investigated in an expeditious manner.

Depending on the circumstances of the event or meeting, complaints of harassment will be referred to either the ranking elected officer or the staff person at the event where the harassment occurred. At events where only a staff representative is in charge, the staff person will have authority to act alone under this policy. The same will apply to an elected officer when no staff is present. At functions where there is both an elected officer and a staff person, they will be jointly responsible for the enforcement of the policy.

It will be their responsibility to receive the complaint, to investigate it as soon as reasonably possible, given the nature of the complaint and the event. They will make every effort to corroborate the allegation, if it was witnessed. If in their judgment the complaint is founded, they will take suitable remedial action.

In pursuing an allegation of harassment, the investigators will insure that the complaint is made in writing, and signed by the complainant(s). Every investigation must be done according to the norms of natural justice. Confidentiality and the rights of all members concerned will be respected.

The subject of a complaint has the right to know the nature of the complaint and to make reasonable explanation or defense.

In investigating the complaint, the officer and staff rep will determine, where appropriate, whether the complainant made it known to the subject of the complaint that the behaviour in question was unacceptable, or unwelcome. It is assumed that some forms of harassment, such as physical assault or lewd comments, ought to be known to be inappropriate.

In seeking corroboration of the complaint, the investigators will ascertain from the witness(es) not only the facts of the behaviour, but also any relevant circumstances.

When seeking a remedy, the investigators will be guided by the goals of this policy.

- 1) Stop the harassment.
- 2) Safeguard against a repeat of the offensive behaviour.
- 3) Show harasser why the objectionable behaviour is unacceptable.
- 4) Satisfy the complainant that the event will remain harassment free.

It is not the intent of this policy to replace the disciplinary procedure of the Constitution. The role of the investigators, therefore, is not to meet out punishment, but insure an harassment free environment. They must exercise judgement as to what is the best approach. They must determine from the circumstances whether it is appropriate to mediate a resolution by seeking an apology from the offender and a promise to cease the offensive behaviour, or to remove the offender from the event. To the fullest extent possible, consistent with fairness and the nature of the offence, the officials should satisfy the harassed member that the harassment will stop.

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A complaint which, in the minds of the investigators, is frivolous, vindictive, or vexatious is a form of harassment of the subject. Such behaviour will be dealt with in the same manner as any other harassment under this policy.

Where the investigation establishes harassment and that the behaviour cannot be stopped without the offending member being removed from an event, a report by the investigators will be sent to the President and the Component Chairperson of the offender. The member must show the component why expenses should be paid for attending the event from which the member was ejected. If a disciplinary charge is laid under the Constitution as a result of the event, evidence from the investigation may be used as evidence of a charge. Incidents involving staff will be subject to the provisions of the appropriate Collective Agreement.