



ANTI-HARASSMENT POLICY

TEAMSTERS CANADA RAIL CONFERENCE

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ANTI-HARASSMENT POLICY

1.0 Policy Statement

Teamsters Canada Rail Conference 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 TCRC members, officers and staff. TCRC shall endeavour to provide leadership in setting standards of behaviour, which reflect our commitment to equality.

The ***Canadian Human Rights Act*** protects employees from harassment based on race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability or pardoned conviction.

TCRC will not tolerate any form of harassment, bullying or violence within the union environment, whether it is at the Division, GCA/PLB or National level. Such actions may result in charges/discipline being taken against a member, officer or staff pursuant to this policy, the TCRC Bylaws, Teamsters Canada Bylaws and the IBT Constitution. This includes any member, officer or staff who: interferes with the resolution of a harassment complaint; retaliates against an individual for filing a harassment complaint; or files an unfounded harassment complaint intended to cause harm.

2.0 Application

This policy applies to all members, officers and staff of Teamsters Canada Rail Conference including part-time, casual, contract and temporary employees. This policy also applies to job applicants.

This policy is applicable to all behaviour that is in some way connected to the union environment, including any TCRC event and/or any event in which a member, officer or staff is participating on behalf of the TCRC including but not limited to conventions, meetings, seminars, councils, courses and conferences whether it be at the Division, GCA/PLB or National level.

3.0 Definitions

Harassment is an expression of perceived power and superiority by the harasser(s) over another person or group, based on their: sex, race, creed, colour, religion, ethnic origin, place of origin, sexual orientation, political affiliation, gender identity, gender expression, marital status, family status, disability, language, age, conviction for which a pardon has been granted, social and economic class, or activism and participation in the union.

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.

Bullying and personal harassment are defined as deliberate actions, mobbing, 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 or perceived 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. The policy includes any member in any type of relationship, for example domestic, intimate, common law partnerships.

Violence is defined as any physical assault or threat of physical assault occurring in the union environment.

4.0 Responsibilities and Expectations

Teamsters Canada Rail Conference is responsible for:

- providing all members and staff a harassment-free environment.

The TCRC Executive Board and/or their designate is responsible for:

- ensuring that this policy is applied in a timely, consistent and confidential manner;
- determining whether or not allegations of harassment are substantiated; and
- determining what corrective action is appropriate where a harassment complaint has been substantiated.

The TCRC National Secretary-Treasurer is responsible for:

- the administration of this policy;
- reviewing this policy annually, or as required; and
- making necessary adjustments to ensure that this policy meets the needs of the organization.

All TCRC Officers are responsible for:

- fostering a harassment-free environment and setting an example about appropriate workplace behaviour;
- communicating the process for investigating and resolving harassment complaints made by members and staff;
- dealing with harassment situations immediately upon becoming aware of them, whether or not a harassment complaint has been made;
- taking appropriate action during a harassment investigation, including separating the parties to the harassment complaint, when appropriate; and
- ensuring harassment situations are dealt with in a sensitive and confidential manner.

TCRC members and staff are responsible for:

- treating others with respect;
- reporting harassment to **National Secretary-Treasurer**;
- cooperating with a harassment investigation and respecting the confidentiality related to the investigation process;

TCRC members and staff can expect:

- to be treated with respect in the workplace;
- that reported harassment will be dealt with in a timely, confidential and effective manner;
- to have their rights to a fair process and to have their confidentiality respected during a harassment investigation; and
- to be protected against retaliation for reporting harassment or cooperating with a harassment investigation.

5.0 Procedures for Addressing Harassment

If any member or staff believe they have been a victim of any of the above issues, they need to take the following action:

If possible, make it clear that they do not welcome such behaviour. They can do so either on their own, verbally or in writing, or with the assistance of another party. They should make their intentions clear that they will take further action if the behaviour continues.

If the inappropriate behaviour persists, approach any available TCRC Officer who will attempt to resolve the matter informally and quickly. They may ask that officer for help right away - If they are unwilling to approach the harasser directly.

Each incident will be handled confidentially and quickly, with particular sensitivity for the complainant. Where the matter cannot be resolved informally, the Complainant may file a formal complaint.

5.1 Filing a Complaint

Any member or staff may file a harassment complaint by contacting National Secretary-Treasurer. The complaint may be verbal or in writing. If the complaint is made verbally, National Secretary-Treasurer will record the details provided by the employee.

The member or staff should be prepared to provide details such as what happened; when it happened; where it happened; how often and who else was present (if applicable).

Complaints should be made as soon as possible but no later than within 60 days of the last incident of perceived harassment, unless there are circumstances that prevented the member or staff from doing so.

The National Secretary-Treasurer will tell the person that the harassment complaint has been made against, in writing, that a harassment complaint has been filed. The letter will also provide details of the allegations that have been made against him or her.

Every effort will be made to resolve harassment complaints in a timely manner. The Executive Board and/or their designate will advise both parties of the reasons why, if this is not possible.

If either party to a harassment complaint believes that the complaint is not being handled in accordance with this policy, he or she should contact the Executive Board and/or their designate.

5.2 Mediation

Wherever appropriate and possible, the parties to the harassment complaint will be offered mediation prior to proceeding with a harassment investigation.

Mediation is voluntary and confidential. It is intended to assist the parties to arrive at a mutually acceptable resolution to the harassment complaint.

The mediator will be a neutral person, agreed upon by both parties. The mediator will not be involved in investigating the complaint.

Each party to the complaint has the right to be accompanied and assisted during mediation sessions by a person of their choosing.

5.3 Investigation

If mediation is inappropriate or does not resolve the issue, a harassment investigation will be conducted. All investigations will be handled by an individual who has the necessary training and experience. In some cases, an external consultant may be engaged for this purpose.

The investigator will interview the person who made the complaint, the person the complaint was made against and any witnesses that have been identified. All people who are interviewed will have the right to review their statement, as recorded by the investigator, to ensure its accuracy.

The investigator will prepare a report that will include:

- a description of the allegations;
- the response of the person the complaint was made against;
- a summary of information learned from witnesses (if applicable); and
- a decision about whether, on a balance of probabilities, harassment did occur.

This report will be submitted to the Executive Board and/or their designate. Both parties to the complaint will be given a copy.

5.4 Substantiated Complaint

If a harassment complaint is substantiated, the Executive Board and/or their designate will decide what corrective action is appropriate pursuant to this policy, the TCRC Bylaws, Teamsters Canada Bylaws and the IBT Constitution.

The resolution at this stage would include, but not be 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.

Both parties to the complaint will be advised, in writing, of the decision.

6.0 Other Redress

An member or staff who is not satisfied with the outcome of the harassment complaint process may file a discrimination complaint with the Canadian Human Rights Commission, if applicable, and/or The Canadian Industrial Relations Board.

7.0 Privacy and Confidentiality

All parties to a harassment complaint are expected to respect the privacy and confidentiality of all other parties involved and to limit the discussion of a harassment complaint to those that need to know.

Teamsters Canada Rail Conference and all individuals involved in the harassment complaint process, will comply with all requirements of the *Personal Information Protection and Electronic Documents Act* ("PIPEDA") and the TCRC's Privacy Policy to protect personal information.

8.0 Review

Teamsters Canada Rail Conference will review this policy and procedures on an annual basis, or as required, and will make necessary adjustments to ensure that it meets the needs of all members and staff.

9.0 Enquiries

Enquiries about this policy and related procedures can be made to the National Secretary-Treasurer.

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