



HARASSMENT

A. Our position on harassment

The Agriculture Union and the PSAC firmly believe that every individual has the right to live and work without having to experience harassment in any way, shape or form.

The definition of harassment includes any improper behaviour by a person that is directed towards another individual who finds the behaviour offensive and which the person knew, or should have known, was inappropriate and unwelcome.

The concept of harassment is also governed by the *Canadian Human Rights Act*, wherein it is prohibited to discriminate on the basis of an individual's race, national or ethnic origin, colour, religion, age, sex, sexual orientation, marital status, family status, disability or conviction for an offence for which a pardon has been granted.

It is the employer's responsibility to ensure that employees can fulfill their tasks in a workplace free of harassment. On June 1, 2001, Treasury Board issued a new policy entitled 'Policy on the Prevention and Resolution of Harassment in the Workplace'. Its objective was to foster a respectful workplace through the prevention and prompt resolution of harassment. This policy can be consulted and downloaded from the TB website at:

www.tbs-sct.gc.ca/pubs_pol/hrpubs/hw-hmt/siglist_e.html

Many Departments and Agencies have also developed Harassment Policies. These can be accessed through the employer's own web site.

The Agriculture Union has a firm position of its own on the issue of harassment. While it is the employer's responsibility to ensure a harassment-free work environment, we know from experience that the union has a role to play. This is particularly true where harassment involves a member-versus-member situation. It is essential that this

situation be addressed as quickly as possible by either meeting with the members, or requesting that management deal informally with the situation. If this is not successful, the PSAC Policy Paper 23A should be consulted and the guidelines followed.

The Agriculture Union will continue to:

- Pressure the employer to provide proactive and preventative training;
- Offer early mediation to the individual parties in a harassment dispute;
- Ensure that our members are provided with due process and fairness;
- See to it that proceedings are conducted in a timely manner.

B. If you or one of your members believes you are being harassed at work – what are your avenues of recourse?

1. Discussion:

- The member should try to address the issue with the "alleged harasser" to discuss their concern as quickly as possible;
- If the problem continues, the members should talk to management, explain the situation and tell them that they feel harassed;
- Management is required to act when informed of alleged harassment. Please refer to departmental/agency policy on harassment.

2. Complaint:

- If management do not act on it, then the member files a harassment **complaint**. The complaint will be directed at management (rather than against the harasser) for not providing a harassment free workplace.

Informal conflict resolution may be offered and must be agreed upon by both parties.

- If no resolution is achieved through the informal process, and an investigation is initiated, we must ensure that it is conducted by an independent third party.

3. Grievance Process:

- **The grievance process should be used only:**
 - When the complaint, investigation or result are not satisfactory, eg.:

- Management refuses to conduct an investigation even though one may be warranted;
- The member has a problem with the investigation (lack of due process);
- No action taken as a result of a founded complaint.

C. Points to keep in mind:

- Only a grievance on sexual harassment and other human rights violation can proceed to adjudication.
- Mediation is always the best route to resolve harassment situation.
- Negative comments on performance do not necessarily constitute harassment.
- Filing a harassment complaint is to stop the harassment not to seek revenge.
- The impact of a harassment grievance or complaint is going to release many emotions. Those involved, including co-workers and union representative, may want to contact EAP for their advice and guidance.

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