



Compensation Employees' Union (CEU) Harassment Policy

1. Commitment Statement

Every CEU member and employee has the right to work in an environment free of harassment. This right includes the responsibility to eliminate harassment in our workplace, either as a participant or as an observer. Harassment not only poisons our union for the individual(s) being harassed but for all of those who witness the harassment. The CEU will not tolerate it.

This policy and procedure outlines the commitment of the CEU and its Executive to ensure a harassment free workplace as required under the applicable legislation. The policy and procedure will act as a guide to union members and employees. The CEU also acknowledges their responsibility to support and assist persons subjected to harassment by outside stakeholders.

In keeping with the spirit of this commitment, the CEU does not tolerate any form of harassment on the basis of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, disability, age, marital status, family status, or record of offence, by other members or employees.

A copy of this policy has been reviewed at the Union's Annual General Meeting. It is also posted on the CEU website and written copies are available for members and employees on request.

Any member of the CEU who is found to be in breach of this policy may be disciplined in accordance with this Policy. Similarly, any staff member who is found to be in breach of this policy may be disciplined in accordance with the Collective Agreement in place between the CEU and the CEP, Local 467.

2. Policy Statement and Scope

This policy applies to all employees, directors, and members of the CEU, as well as those with whom the CEU does business. It applies to all situations where harassment occurs during the course of any CEU business, activities, and events. All incidents of harassment, regardless of who the offender may be will be investigated.

The CEU will not tolerate discriminatory or personal harassment in any interactions connected to business, activities, and events within or external to the CEU. This policy is not intended to constrain normal social interactions, inhibit free speech, or interfere with the Union's rights and responsibilities when carrying out its duties pursuant to the Constitution and Bylaws.



3. Purpose

The purpose of this policy is to assist all CEU members and employees to identify and prevent discriminatory and personal harassment regarding all CEU business, activities, and events, and to provide procedures for handling and resolving complaints. This policy seeks to promote the well-being of all members and employees by valuing the integrity and trust of all.

4. Definitions

Complainant – An employee or member who has brought forward or filed a complaint under the terms of this policy alleging an act of discrimination or personal harassment has occurred.

Respondent – An employee or member who is alleged to have discriminated against or personally harassed a complainant.

Investigator – An individual named to investigate, through fact finding, formal complaints of discriminatory or personal harassment.

Discriminatory harassment is contrary to the law and may occur at or away from CEU places of business, activities, or events and:

- i. Is based on or related to a prohibited ground of discrimination set out in the Human Rights Code of British Columbia, namely: race, colour, ancestry, place or origin, political belief, religion, marital status, family status, physical or mental disability, sex, sexual orientation, age, or conviction for a criminal or summary conviction offence that is unrelated to employment; and
- ii. Is unwelcome or is of such a nature that it would be reasonable to assume that it is unwelcome; and
- iii. Detrimentally affects the work environment or leads to adverse job-related consequences for the complainant.

Examples of discriminatory harassment may include, but are not limited to:

- Displays of offensive, derogatory, or sexually explicit pictures, photographs, cartoons, drawings, symbols, and other material
- Unwanted and unnecessary touching, patting, pinching, or other suggestive physical contact
- Offensive remarks about sexual orientation
- Racist language, slurs, derogatory comments, or stereotypes
- Telling racist or ethnic jokes that are by their nature embarrassing or offensive
- Threats or abuse based on colour, language, or ethnic background
- Displaying or distributing racist cartoons, posters, graffiti, books, or pamphlets



Sexual harassment most commonly occurs in the form of behaviour by males toward females; however, sexual harassment can also occur between males, between females, or as behaviour by females toward males. Sexual harassment is defined as unwelcome sexual advances, requests for sexual favours, or other verbal or physical conduct of a sexual nature when:

- i. Submitting to or rejecting this conduct is used as the basis for making decisions which affect the individual; and
- ii. Such conduct has the purpose or effect of interfering with an individual's performance; and
- iii. Such conduct creates an intimidating, hostile, or offensive environment.

Personal harassment can take many forms – behaviours, words, or actions. It can consist of a single incident or several incidents over a period of time. Personal harassment prohibited by this policy is conduct that meets the following three criteria:

- i. May or may not be intended to cause harm to the recipient(s); and
- ii. Would be reasonably known or expected to be offensive or humiliating.

Personal harassment does not include every conflict or interaction that an employee or CEU member may find unpleasant. The harassment process should not be used to vent feelings of minor discontent or generalized dissatisfaction within the context of CEU business, activities, or events.

Personal harassment may include bullying, ostracism, or hazing. Examples of specific behaviours that may constitute personal harassment include, but are not limited to:

- Epithets, derogatory comments, slurs, jokes, gossip, innuendo, abusive comments or yelling
- Condescending, paternalistic, or patronizing behaviour, which undermines self-esteem, diminishes performance, or adversely affects the environment
- Unwanted touching, patting, blocking movement, or gestures
- Written or verbal threats or demands
- Practical jokes, which cause awkwardness or embarrassment, endanger a person's safety, or negatively affect performance

Retaliation – Any action with a negative impact against an individual for having filed a complaint under this policy, for participating in any procedure under this policy, or for having been associated with a person who files a complaint or participated in any procedure under this policy. Acts of retaliation will not be tolerated and will be treated as harassment. Examples of specific behaviours retaliation that may constitute retaliation include, but are not limited to:

- Negative changes in terms of conditions of employment



- Denial of opportunities, including training or committee work
- Personal harassment, including ostracism or exclusion from normal social and professional interactions
- Threat of removal from committees or steward activities.

5. Procedures

These procedures will apply regardless of who the complainant or the respondent is. In instances where an Executive of the CEU or the Business Manager, or his/her designate, is party to a complaint, these individuals will recuse themselves from involvement in the procedures.

6. Process

1. Complaint is filed: an employee or CEU member must file a written complaint. All written complaints must indicate the name of the complainant and the respondent, along with information on the particulars of the complaint. Only complaints from individuals who believe they have personally experienced discriminatory or personal harassment will be accepted for investigation. Third parties may not submit a complaint on behalf of another person.
2. The Business Manager, or his/her designate, will receive all written complaints filed under this policy, and the complainant will be contacted within three (3) business days to confirm the receipt of said complaint.
3. The Business Manager, or his/her designate, will make all decisions concerning the scope and timeliness of a complaint.
4. The Business Manager, or his/her designate, will provide the respondent(s) with the name of the complainant, information on the particulars of the written complaint, and the respondent(s) will have an opportunity to respond.
5. The Business Manager or his/her designate will assign an investigator(s) as required under this policy.
6. Investigator(s) assigned: an investigator will be appropriately trained. The investigator will act as a fact-finder. They will also have the authority to initiate a dispute resolution process.
7. An external investigator(s) may be appointed to investigate the complaint, prepare a report setting out the allegations, responses, and findings of fact. At the discretion of the Business Manager, or his/her designate, the external investigator can determine if a breach of this policy has occurred and impose a penalty.
8. Investigation is conducted: an investigation will be undertaken as quickly as possible. In all cases, the complainant will be contacted by the investigator within two (2) weeks of a complaint being accepted for investigation.
9. Interviews: the complainant and the respondent, as well as other potential witnesses able to provide relevant information, will be



- interviewed individually. At all stages, each party has the right to be accompanied by a lay-person of their choice.
10. Investigator(s) report: when a dispute resolution process is initiated and successfully concluded, the contents of the report will reflect the remedy.
 11. Investigator(s) report: when a dispute resolution process is not initiated and/or successfully concluded, the investigator will file a report setting out the allegations, the responses, the findings of fact, and recommendations made by the investigator(s).
 12. Investigator(s) report will be sent to the Business Manager, or his/her designate, for final dispensation.
 13. Final outcome: the Business Manager, or his/her designate, will review the findings of the investigator. Determining culpability and discipline will be the sole responsibility of the Business Manager, or his/her designate. The Business Manager, or his/her designate, will inform the complainant and the respondent, in writing, of the final outcome of the investigation.

7. Appeal Process

A CEU employee can grieve any decision under this policy but does not have the right to appeal. The employee may grieve any action taken by the CEU using the grievance procedure pursuant to the Collective Agreement in force between the CEU and the CEP, Local 467.

Should the Business Manager be named as a respondent, he/she has the right to appeal any decision made under this policy provided they submit a written appeal notice to the CEU President, or his/her designate, within fifteen (15) days from the date the written decision was sent to them. An external investigator will be assigned by the CEU President, or his/her designate. The investigator will determine the outcome of the appeal and prepare a written decision. A copy of the decision will be forwarded to the CEU President, or his/her designate, the complainant and the respondent.

Members have the right to appeal any decision made under this policy provided they submit a written appeal notice to the Business Manager, or his/her designate, within fifteen (15) days from the date the written decision was sent to them.

Upon receipt of the written appeal notice the Business Manager, or his/her designate, will appoint an external investigator to dispose of the appeal. The investigator will be appointed within fifteen (15) days of receipt of the appeal. The investigator will determine the outcome of the appeal and prepare a written decision. A copy of the decision will be forwarded to the Business Manager or his/her designate, the complainant and the respondent.

No further appeal may be made under this policy.



8. Contravention of policy

If there is a finding of harassment the Business Manager, or his/her designate, may impose a penalty. The consequences for breaching this policy may include, but are not limited to: an apology; counselling; education and/or training; a verbal or written reprimand; suspension; with or without pay, termination of employment; placing conditions on a member's ability to hold office; removal from office; fine, or some other form of discipline.

In the event there is a finding of harassment where the Business Manager is named as the respondent, the CEU President may impose a penalty.

9. Time limit for filing a complaint

The Business Manager, or his/her designate, will not pursue a complaint when it is initiated more than six months after the date of the incident(s) on which the complaint is based. The limitation period may be extended if the delay was incurred in good faith or if the delay does not result in prejudice against any of the individuals involved. A decision concerning the timeliness of a complaint is subject to the appeal process.

10. Frivolous or vexations complaints

Complaints investigated under this policy may not constitute a breach of this Policy. In such cases, that does not automatically mean the complaint was frivolous or vexatious in nature.

Frivolous or vexations complaints are those where the complainant or others know there is no foundation in fact suggesting a breach of this policy and where the complaint is filed for the purpose of bringing an adverse consequence to the respondent or others. Such complaints are a breach of this policy and any employee or member engaged in the presentation or filing of such a complaint may be subject to discipline.

11. Confidentiality

The CEU recognizes it can be extremely difficult to come forward with a complaint of harassment, and that it can be devastating to have allegations of harassment made against an individual. The CEU recognizes the interests of both the complainant and the respondent in keeping the matter confidential.

The CEU shall not disclose to outside interests/parties the name of the complainant, the circumstances giving rise to the complaint, or the name of the respondent unless a disciplinary or other remedial process requires such disclosure.



Records of the investigation, including interview, evidence and recommendations will be securely maintained within the offices of the Business Manager, or his/her designate.

12. Review of policy

Five years from the coming into force of this policy, the Business Manager, or his/her designate, will appoint a working group for the purposes of reviewing the content of the policy and its operation. The working group will report its findings and any recommendations for change to the Business Manager, or his/her designate.