

Harassment In the Workplace - Procedures

The employee contacts their immediate superior in order to make a complaint. If he or she cannot speak to their immediate superior because they feel that that is the person who is doing the harassment, he or she contacts the Director of Human Resources at the Board. The Board requests, according to their Harassment Policy HR-16, that the person put their complaint in writing. The employee will often contact the union before going through this process. In this case the union representative provides the person with moral support, and acts as a liaison officer between the employee and Human Resources.



The union should file a harassment grievance as soon as the official complaint is sent to the Board.

Once the complaint has been received by the Board, they do an investigation to see whether the complaint is warranted. A meeting is called at which the employee who is making the complaint is present along with a person of his or her choice (usually the union representative), and two directors from the Board. The Board then continues the investigation in the employee's workplace concerning the person who has been accused of harassment, in order to ascertain whether or not the accusation is justified.

The union also helps the employee being harassed to prepare a defence by asking him or her to make a log of the events leading up to the complaint, with dates and times of the incident, a detailed report of what happened each time, how this affected him or her, and a listing of any witnesses of what went on.

Once the investigation is over the Board makes a decision whether the harassment is justified or not. If not, a letter is sent to the employee explaining why the complaint has not been accepted. If the Board is in agreement they will attempt to resolve the problem by telling the person doing the harassment to stop, and may impose disciplinary measures depending on the gravity of the accusation.

If the employee feels that the complaint, which has been rejected, should have been retained, the grievance will continue. If the problem has been resolved the employee may ask the union to withdraw the grievance.

THESE 5 ELEMENTS MUST BE PRESENT TO CONCLUDE THAT HARASSMENT EXISTS

- a) Offensive conduct demonstrated by:
- b) repetitive behavior, words, actions or gestures
- c) which are hostile and undesired,
- d) attacking the psychological or physical dignity or integrity of the employee
- e) creating a harmful and unhealthy work environment for the employee

Additionally, jurisprudence has taught us that an arbitrator will side with the claimant if he/she passes the following test: « Would a reasonable person put in a similar situation state that he/she is a victim of harassment? » we must look at this dispute using a global perspective, as harassment registers itself within a continuum.