



# POLICY PAPER

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**RE: BULLYING AND HARASSMENT**

**Adopted by Executive Council: December 7, 2020**

**Reviewed by Advisory Committee:**

At MoveUP, we believe in promoting an environment that is free of bullying and harassment and seeks to create an atmosphere free from all forms of discrimination at MoveUP events and functions. All members have the right to be treated with dignity, and to work/attend events and functions in a safe and respectful environment.

It is the policy of MoveUP that bullying, and harassment will not be tolerated. We encourage the reporting of all incidents, regardless of who the offender may be.

Behaviour that is likely to undermine the dignity, respect or self-esteem of an individual, or creates an intimidating, coercive, abusive, restrictive, offensive, embarrassing or humiliating environment will not be tolerated.

Harassment is defined as any unwelcome actions by any person whether verbal or physical, on a single or repeated basis that a reasonable person knows, or ought to know, would cause offence, humiliation, ridicule, insult or intimidation to another person.

This policy encompasses, but is not limited to, harassment around issues of race, colour, creed, ancestry, place of origin, religion, marital status, family status, disability, sex, sexual orientation, gender identity, gender expression, language, age, political affiliation, social and economic class, or activism and participation in a union.

Bullying is identified as behaviour used to humiliate, intimidate, undermine, or destroy the character or confidence of an individual or group of individuals. Bullying tends to be deliberate actions, mobbing, offensive, malicious and/or cruel behaviour which may include an abuse of power or perceived power by one person or group over another. The 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 his/her actions are unwelcome or unwanted. It can also be an aspect of group behaviour. Bullying can be divided into four categories: emotional, verbal, physical, and cyber.

Bullying and harassing behaviours do not include any reasonable action taken relating to the management, direction, or operation of any MoveUP events and functions. These can include, but are not limited to expressing differences of opinion, offering constructive feedback, guidance, or advice, asking questions, or assigning work.

**What To Do If You Believe You Are Being Harassed:**

If you feel you are being harassed or discriminated against in any way, where possible speak up right away. If possible, tell the person in clear terms that you are not comfortable with their

behaviour(s), and that you want it to stop. You can speak to the person directly, or write them a letter (date it and keep a copy).

You should keep notes regarding all incidents of unwelcome or harassing behaviours. Write down what has happened, when, where, how often, who else was present, and how you feel about it.

If your efforts to get the person to stop are unsuccessful, or if you don't feel comfortable approaching them yourself, then you may proceed with the complaint.

### **Complaint and Investigation Procedures:**

Complaints of harassment should be directed to the Ombudsperson (at union functions where they have been appointed), or to any Job Stewards, Executive Councillor or Executive Board member.

If you choose to proceed with a complaint, the following process will apply.

1. Your complaint should be made in writing.
  - a. If the Ombudsperson, Job Steward, Executive Councillor or Executive Member is involved in the matter, you can submit your complaint directly to the President.
  - b. If the President is involved in the matter, you can submit your complaint directly to the Secretary-Treasurer.
  - c. The written complaint should contain a brief summary of the relevant facts (including dates), the names of the persons involved and any witnesses, and the remedy you are requesting.
2. All complaints will be taken seriously and will be dealt with quickly and fairly.
3. The President and/or designate will begin by reviewing your complaint to determine whether your allegations would, if proven, fit within the definition of harassment or discrimination set out above. If they would not, then the complaint will be dismissed without an investigation. If they would, then the complaint will be investigated.
4. The investigation will be conducted by a person appointed by the President or designate. Investigations will be undertaken promptly and diligently and will be a thorough as necessary. We are committed to being fair and impartial, providing equal treatment for both the complainant and respondent in evaluating the allegations.
5. The investigator will interview the complainant, the alleged harasser, and any witnesses. All the parties and witnesses have a responsibility to co-operate with the investigation.
6. Both the complainant and the alleged harasser have the right to be accompanied by someone with whom they feel comfortable during any interviews or meetings.
7. An investigation will usually involve the following steps:
  - a. Getting all pertinent information from the complainant;
  - b. Informing the alleged harasser about the complaint, and getting their response;
  - c. Interviewing any witnesses;
  - d. Reviewing any relevant document(s); and
  - e. Deciding whether, on a balance of probabilities, discrimination or harassment did take place.
8. If the investigator finds that the complaint is valid, they will report in writing to the President or designate, within a week of completing the investigation.

9. After considering the investigator's report, the President or designate will decide what action to take and will inform both parties of the decision, in writing, within a week of the report being submitted.

10. MoveUP will keep a written record of all investigations, including the findings.

### **Remedies:**

If the President or designate finds that discrimination or harassment has occurred, then a decisive and suitable action will be taken, possibly including charges under the MoveUP Constitution.

### **Unsubstantiated Complaints:**

If there is not enough evidence to support an allegation of harassment or discrimination, the complaint will be dismissed.

### **Complaints Made in Bad Faith:**

Complaints of discrimination or harassment are serious matters. Members who are found to have made false, frivolous, vexatious, or vindictive accusations in bad faith may be subject to disciplinary action.

### **Retaliation:**

Any member who retaliates against a person who has been involved in a harassment complaint, may be subject to disciplinary action.

### **Mediation:**

As an alternative to a formal investigation, a complaint may be dealt with through a consensual mediation process. After reviewing the written complaint received, and where it appears that mediation may be an appropriate option, MoveUP may offer a consensual mediation process to the parties.

Consensual mediation will require the agreement of the complainant and the alleged harasser.

The mediation will be conducted by a person appointed by the President or their designate. It will be approached in an unbiased manner.

When a resolution is reached, and the complainant and the alleged harasser agree in writing to the resolution, the matter will be considered concluded. The written agreed-to resolution will be placed on file.

In the event that the consensual mediation does not result in a resolution of the complaint, the complaint will be investigated under the procedure described above.

### **Confidentiality:**

Every reasonable effort will be made to ensure confidentiality throughout the process except where disclosure is necessary for the purposes of investigation or as required by law.

This process is not intended to circumvent or supercede any other process or remedy that may be available (i.e. collective agreements, Human Rights Codes, Constitutions, criminal charges, civil litigation, etc.).

**Roles and Responsibilities:**

MoveUP will treat all incidents of discrimination and harassment seriously. We are responsible for ensuring that all procedures are followed, and all MoveUP elected officers and members have the responsibility to treat each other with respect, and to speak up if they experience or observe discrimination or harassment in, or related to, events and functions.

The President and/or designate will act on all complaints and endeavour to resolve them quickly, confidentially, and fairly.

All parties are expected to cooperate with investigators and provide any details of acts they have experienced or witnessed.

**Policy Review and Notification:**

The complaint and investigation procedures will be reviewed annually.

All MoveUP elected officers and members will be notified and reminded of this policy, and a copy will be posted on the MoveUP member portal.

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