

UNITED STEELWORKERS'
GUIDE TO
PREVENTING
AND
DEALING
WITH
HARASSMENT



We can't make people like each other

We can't make people like each other.

But in the workplace, we can make sure no one is treated differently because of their racial or ethnic origin, or because of gender, ability or sexual orientation.

We can't make people like each other.

But we can encourage workers who are sexually and/or racially harassed to speak out with the support of their union.

We can't make people like each other.

But we can state clearly that our union will fight at all levels to eliminate discrimination and harassment.

We can't make people like each other.

But we can create a workplace free from sexism, discrimination, racism and bigotry.

We can't make people like each other.

But we can through concrete action, promote tolerance and mutual respect in our union.

That's why we have adopted policies to prohibit and prevent harassment in the workplace. And that's why we have produced this workbook to help local union members address these issues step-by-step, incident by incident, with fairness and respect for all individuals.

We can't make people like each other.

But we can make it clear that our union is, indeed, *Everybody's Union.*

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Preventing Sexual Harassment in the Workplace

At the Steelworkers 1989 National Policy Conference, the union adopted a *Policy to Prohibit and Prevent Sexual Harassment in the Workplace*. This policy adopts the definition of sexual harassment recommended by the York University Presidential Advisory Committee on Sexual Harassment.

Sexual Harassment is:

- unwanted sexual attention of a persistent or abusive nature, made by a person who knows or ought reasonably to know that such attention is unwanted; or
- implied or expressed promise of reward for complying with a sexually oriented request; or
- implied or expressed threat or reprisal, in the form either of actual reprisal or the denial of opportunity, for refusal to comply with a sexually oriented request; or
- Sexually oriented remarks and behaviour, which may reasonably be perceived to create a negative psychological and emotional environment for work and study.

Just what does this mean?

Does this mean that one person may no longer whistle at another to indicate appreciation for that person's looks? **Yes.**

Does this mean that one person may no longer touch another person without permission? **Yes.**

Does this mean that sexual jokes, slurs and gestures are not acceptable in the workplace? **Yes.**

Does this mean that pin-ups and sexual graffiti can no longer be put up in the workplace? **Yes.**

Does this mean that promises of promotion in return for sexual "favours" are illegal? **Yes.**

Does this mean that we are to treat each other with mutual respect? **Yes.**

Mutual respect. That's what it's all about. We work better when we work with people we respect and who respect us. Our workplace is a healthier and safer place to be when we can concentrate on the task at hand and not have to worry about harassment. And we are better members of our union because we can concentrate on helping each other out on the job rather than trying to always protect ourselves.

Preventing Racial Harassment in the Workplace

Human Rights legislation in Canada defines harassment as “engaging in a course of vexatious comments or conduct that is known or ought reasonably to be known to be unwelcome.” At the 1989 National Policy Conference, the United Steelworkers adopted the *Policy to Prevent and Deal with Racial Harassment in the Workplace*.

Racial Harassment is:

Words or actions which show disrespect or cause humiliation to another person because of his or her race, colour, language, religion, creed, ancestry, place of origin or ethnic origin. Disguised as a joke, subtle or overt, these acts of harassment are offensive, demeaning, embarrassing and hurtful.

Just what does this mean?

Does this mean that ethnic, religious or racial jokes are no longer acceptable in the workplace? **Yes.**

Does this mean that racist graffiti and pictures cannot be put up in the workplace? **Yes.**

Does this mean that people may no longer “tease” a co-worker or make comments that are racially insulting or present stereotypes of racial, religious or ethnic groups? **Yes.**

Does this mean that it is illegal to refuse to work with a person because of her or his ethnic background? **Yes.**

Does this mean that intimidating or threatening a person because of her or his skin colour, language, religion or ethnic background is racial harassment? **Yes.**

Does this mean that we are to treat each other with mutual respect? **Yes.**

Mutual respect. That’s what it’s all about. We work better when we work with people with people we respect and who respect us. Our workplace is a healthier and safer place to be when we can concentrate on the task at hand and not have to worry about harassment. And we are better members of our union because we can concentrate on helping each other out on the job rather than trying to always protect ourselves.

Preventing harassment based on sexual orientation in the workplace

Most Human Rights Codes in Canada prohibit harassment and discrimination based on sexual orientation. Yet, many union members who are gay, lesbian, bisexual or transgendered do not feel safe “coming out” in the workplace or in the union.

Steelworker members need to take a strong stand against the harassment and violence faced by workers who are gay, lesbian, bisexual and transgendered.

Mutual respect. That’s what it’s all about. We work better when we work with people with people we respect and who respect us. Our workplace is a healthier and safer place to be when we can concentrate on the task at hand and not have to worry about harassment. And we are better members of our union because we can concentrate on helping each other out on the job rather than trying to always protect ourselves.

Just what does this mean?

Does this mean that intimidating or bullying a person because of their sexual orientation is harassment? **Yes.**

Does this mean that isolating a person because of their sexual orientation or gender identity may be harassment? **Yes.**

Does this mean that it is no longer acceptable to deny benefits to same-sex spouses? **Yes.**

Does this mean that refusing to work next to someone because of their sexual orientation is harassment? **Yes.**

Does this mean that denying the gender identity of a transgendered worker may be harassment? **Yes.**

Does this mean that we are to treat each other with mutual respect? **Yes.**

Preventing harassment based on disability in the workplace

Changes in Human Rights Law over the last number of years have resulted in positive changes for workers with disabilities. Employers and unions need to look at how changes can be made to workplaces and the design of work to help accommodate injured workers and workers with disabilities in the workplace.

Just what does this mean?

Does this mean that injured workers and workers with disabilities have a right to good, safe jobs? *Yes.*

Does this mean that jokes or gestures about people with disabilities are not acceptable in the workplace? *Yes.*

Does this mean that it is not acceptable to isolate injured workers or workers with disabilities? *Yes.*

Does this mean that we are to treat each other with mutual respect? *Yes.*

Mutual respect. That's what it's all about. We work better when we work with people with people we respect and who respect us. Our workplace is a healthier and safer place to be when we can concentrate on the task at and not have to worry about harassment. And we are better members of our union because we can concentrate on helping each other out on the job rather than trying to always protect ourselves.

What is the Union Doing?

In the Workplace

- **The Steelworkers Anti-Harassment Workplace Training Program** has reached over 40,000 front-line workers, supervisors and managers across the country. Sessions are delivered in the workplace during work hours by trained Steelworker facilitators. Video clips, a quiz and small group discussions help people to recognize and deal with harassment and discrimination in the workplace. Negotiated with employers, the program is one of the most effective steps local unions can take to prevent harassment and discrimination in the workplace.
- In more and more workplaces, employers and unions are setting up joint human rights committees to help investigate and resolve harassment complaints and conflict. Steelworkers provide training of the joint committees in conducting investigations and facilitating informal conflict mediation.
- Many Steelworker collective agreements now include anti-harassment policies and procedures. Negotiated mechanisms help to ensure a role for the union in the investigation and resolution of complaints.
- Steelworker Anti-Harassment Complaints Counsellors are available across the country to assist in the investigation and resolution of workplace incidents. Working along side local activists, counsellors support workplace efforts to challenge and stop harassment.

Poisoned Work Environment

When harassment or conflict isn't handled well, the work environment can become "poisoned". Often negative or disrespectful behaviour increases. People find ways of avoiding work and may actually feel sick from the stress and tension in the workplace. What can start as a problem between a couple of co-workers, spreads like poison when left unchallenged. Workers need to develop skills and confidence to deal with incidents of harassment quickly and effectively.

Checklist of things to do in your workplace:

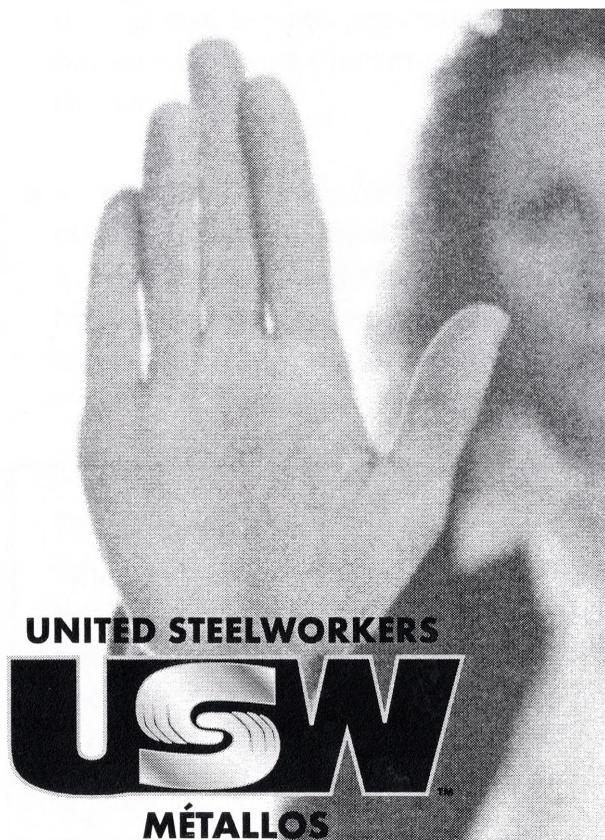
1. Negotiate the *Steelworkers Anti-Harassment Workplace Training* sessions to be delivered to all workers in the workplace. Call your Area, District or National office for more information.
2. Negotiate strong workplace policies and procedures to deal with harassment. See checklist for policies and procedures.
3. Appoint someone in your local union to deal with issues of harassment. Training and support are available through the union or a labour council supported union-counselling program. Make sure the membership knows who the person is to discuss harassment problems in the workplace. Contact your Area, District or National office for more information.
4. Copy and post on the union bulletin board the definition of harassment in this workbook or the *Steelworkers Anti-harassment Policy*, the “*Yellow Sheet*”.
5. Create a supportive atmosphere in the workplace to encourage harassment victims to come forward so the union can help them deal with the issues. Model “respect” and “tolerance” at work, local union meetings and events.

Workplace Bullying

Bullying is about power. The schoolyard or workplace bully controls and overpowers people with their size, status or privilege. Bullying is an act of aggression. While bullying may not be illegal, it is wrong. Any behaviour that intimidates, threatens and humiliates another should not be tolerated – in a schoolyard, a workplace or in the union.

WHAT TO DO if you think you are being harassed in the workplace:

- Document the time, date, and names of any witnesses and detailed information about the nature of the incident.
- No means no. If possible, tell the harasser to stop the unwelcome behaviour. If you are uncomfortable about doing that on your own, contact the member of the local union who has been identified as the harassment complaints person.



WHAT TO DO if you believe that a co- worker is being harassed in the workplace:

- Let your co-worker know that you're there to help. Offer to act as a witness if needed.
- Help them to document what has happened and support them in putting the harasser on notice that the behaviour is unwelcome and to stop immediately. If needed; assist them in contacting the correct local union executive member, steward, human rights committee person, staff representative or a Harassment Complaints Counsellor.
- Treat your fellow workers with respect. It is surprising how much faster and easier the job gets done when we work together as a team. Remember to keep things confidential.

Dealing with complaints of harassment: TIPS FOR LOCAL UNION ACTIVISTS

- 1.** Assure the person that you take their complaint seriously. Let them know that you are aware how difficult it is to come forward with a complaint. Be a listener not a judge. If the situation was bothering her or him, it is the right thing to come forward.
- 2.** Ask if the person is comfortable discussing the problem with you. Assist them in contacting one of the union's designated counsellors.
- 3.** If applicable, provide them with a copy of the union and company policy.
- 4.** Let the person know the options available in pursuing a complaint. These options include:
 - a.** union to investigate and attempt to mediate a resolution
 - b.** union to approach management to investigate
 - c.** union to file a grievance
 - d.** filing a complaint with the Human Rights Commission in some circumstances
 - e.** criminal or civil charges with police investigation
- 5.** Confidentiality: Reassure the person that your discussions and their comments will not be shared with the alleged harasser or any witnesses. If the complaint becomes a formal grievance or complaint, some parts of the case may become public.
- 6.** Ask the person to document the incident(s) in writing. The documentation needs to include:
 - a.** time and place of the incidents(s)
 - b.** names of witnesses (if any)
 - c.** what the harasser did and said (word for word if possible)
 - d.** what they did or said and how she/he felt about it
- 7.** Make sure that there are some union members or community counsellors who can provide emotional support to the person.
- 8.** In some cases, the victim may need to take sick leave or file a workers' compensation claim or, if absolutely necessary, a temporary re-assignment could be made. After discussing this with the victim, make sure that you obtain help to facilitate this process as quickly as possible.

What is the role of Harassment Complaints Counsellors in dealing with Workplace Complaints?

Co-worker Harassment:

1. With the victim's permission, the counsellor will investigate the complaint by confidentially interviewing the victim, alleged harasser and any witnesses.
2. Counsellors attempt to mediate a satisfactory resolution. This mediation may result in an apology or a written agreement between the victim and the respondent. The agreement could include a promise that the offending behaviour not recur. Most complaints can be resolved in this way without any further intervention.
3. If attempts at mediation do not succeed, the counsellor, with the permission of the victim, will advise the alleged harasser in writing that the victim may file a formal complaint with the employer and/or human rights commission in the appropriate jurisdiction.
4. If the alleged harasser still does not respond to mediation or no solution is possible and/or incidents of harassment continue, the counsellor will assist the victim in writing a letter to the employer.
5. Once this letter is sent to the employer, the employer has a legal responsibility to investigate. Negotiated collective agreement provisions, where applicable, will be set in operation perhaps involving an outside Harassment investigator.

Management/Worker Harassment:

1. With the victim's permission, harassment complaint counsellor(s) will speak confidentially with the employer to determine whether the matter can be resolved.
2. If not resolution is possible, the counsellor may approach the local union to assist the victim in filing a grievance.
3. In the event the grievance proceeds to arbitration, the victim will be required to give evidence of the harassment. If an arbitrator allows the grievance she/he in accordance with collective agreement provisions, may direct the grievor not be required to work with any supervisor or foreperson found to have engaged in harassing conduct.

In the Union

- The ***United Steelworkers Anti-harassment Policy*** or “***Yellow Sheet***” is read out at the beginning of all union events. Printed on bright yellow paper, the policy defines harassment and how harassment can undermine union solidarity and respect for human rights, principles fundamental to the labour movement. At union schools and conferences, harassment complaints counselors are identified in the event someone has an incident they need to be investigated confidentially.
- Issues of harassment and discrimination are now included in the union’s education courses so stewards, health and safety activists, workers’ compensation advocates, local union officers and negotiating teams can better handle and prevent incidents.
- ***Human Rights are Workers’ Rights*** is a course offered by the union to human rights activists and union leadership. The program helps activists deal with incidents of harassment and discrimination and work with leadership and human rights committees to challenge inequality and racism inside and outside of our workplaces.
- Challenging harassment and bullying does not mean shutting down respectful and constructive debate. Disagreements and differences of opinion can help us to find new and better solutions in an atmosphere of respect. Steelworkers offer support to officers and chairpeople who need some assistance in building and maintaining a healthy “atmosphere” at all union meetings and events. While it may not be easy, it is really important for officers to quickly deal with negative behaviour. “We can’t make people like each other.” But we can help to create an environment at our meetings and events where harassment and bullying will not be tolerated.
- Members of the Steelworkers are “governed” by the Constitution of the United Steelworkers of America. The constitution clearly states that no member should treat another in a way that is hurtful or disrespectful. In the event that a member feels they have been treated in a “non-union” like way, they can use the procedures outlined in the constitution to try and resolve the situation. In Canada, where an issue of harassment is at the root of a conflict between two members, the union’s anti-harassment counsellors may help to resolve the situation in a confidential and timely manner. The constitution process can not be used by a member who may be “retaliating” for a grievance or complaint that may have been filed in the workplace.

Checklist for union activities and events:

1. Conduct harassment awareness campaigns through local union meetings, local union newsletters, forums, and guest speakers. Read out the Steelworkers Anti-Harassment Policy at meetings and if there are questions or incidents deal with them as quickly as possible. Set the tone for meetings to ensure there is an opportunity to educate members and field questions or concerns raised at the meeting. If there are questions or incidents it is important to act on them as quickly as possible.
2. Amend the local union by-laws to include policy and procedures to prevent and deal with harassment to ensure the elimination of harassment wherever it exists. Locals and units need to accept responsibility to implement the "*Yellow Sheet*".
3. Provide training and support to chairpeople of meetings and local union officers to prevent and deal with harassment.

Points to remember:

- Harassment is illegal.
- Harassment devalues workers; it destroys their self worth and confidence inside and outside the workplace.
- Harassment is one person's attempt to demonstrate power over another person. People in lower paying and less secure positions - often women, visible minorities, people with disabilities and aboriginal people - are most likely to be targets of harassment.
- Harassment can "poison" the work environment, affecting work performance and endangering the safety of the work and his or her co-workers. Undermining someone's personal dignity and pride, harassment, if unchallenged, can lead to accidents and prolonged illness.
- Our goal is to achieve harassment free workplaces, union schools, and conferences.
- You may be uncomfortable when someone comes to you with a complaint, especially if you haven't dealt with such situations before. Listening to accounts of hostile, frightening interactions, which are hard to sort out, can be stressful for you as well. This is normal. Ask another activist to give you the support and information you need or call to "brainstorm" with one of the union's harassment complaint counsellors. The situation will not just go away no matter how badly you may want it to. The member is looking to you for help, support, and advice.
- When discussing cases of harassment, be careful to protect confidentiality. The Steelworkers anti-harassment policy applies to all members and officers of the union. Do not mention names when discussing cases. Use the term's "victim", "alleged harasser" and "witness". We do not have a right to identify someone and make him or her feel unsafe in the workplace. We need to try to keep discussions to those individuals who must be involved in a case and ask that conversations be kept confidential.
- If there is more than one member of the bargaining unit involved, the union has a responsibility to represent the interests of each of them.

Checklist for workplace policies and procedures

- ✓ **Purpose of policy** – This section may state that the employer and the union are committed to a workplace free from discrimination and harassment, and that immediate steps will be taken to address complaints. A clear statement of this sort can help prevent harassment and help people come forward if there is an incident.
- ✓ **The Law** – A brief overview of the law related to harassment.
- ✓ **Definition of harassment** – Employees need to know what is meant by harassment and the prohibited grounds such as sexual or racial harassment, harassment because of sexual orientation, disability, etc.
- ✓ **Confidentiality** – The policy should clearly state the importance of confidentiality in handling complaints.
- ✓ **Complaint Procedures** – Sets out the steps for responding to a complaint of harassment as well as the roles and responsibilities of the people involved. It should identify any direct action that the individual who is harassed needs to take to put the harasser “on notice”. Any informal and formal procedures need to be described and the relationship of the policy to the grievance procedure.
- ✓ **Time Limits** – Members need to know how soon an investigation will begin, how long it will take and when they will be informed of the results. The sooner the investigation starts, the less damage will be done and the sooner people can move on from the experience.
- ✓ **Retaliation** – The policy should make it very clear that retaliation against an individual or individuals for having filed a complaint will not be tolerated. All of the good work done by the policy will be undone if people are allowed to retaliate against someone who has filed a complaint or who has cooperated in an investigation.
- ✓ **Education** - A policy is only words on a sheet of paper unless people know who to make it work to correct a problem. Include the *Steelworkers Anti-Harassment Workplace Training Program* as part of the policy as well as ensuring there is training for the individuals or committee that will be handling complaints.
- ✓ **Monitoring** – Review the policy every couple of years and make changes based on the feedback from employees and the human rights committee or anti-harassment counsellors.

Important Information

(See page one of the inside cover of the phone book for some of these telephone numbers: get others from your local union officers)

Police:

National office:

Distress Centre:

Staff Representative's name and number:

Hospital:

District Harassment Counsellor(s):

Women's Centre/Shelter:

Emergency Shelter:

Union Steward(s):

Family Doctor:

Local Union Executive:

Nearest Steelworker office:

District or Sub-District office:

NOTES



For information about the
United Steelworkers, please call:

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