PSAC Policy on Union Representation: Workplace Harassment

Adopted by the PSAC National Board of Directors – February 2008

The PSAC believes that every individual has the right to dignity and respect, both within the union and in the workplace.

Harassment based on a prohibited ground of discrimination, as well as personal harassment, are totally inconsistent with the principles of union solidarity, dignity and respect. As such, the PSAC does not condone any form of harassment or discrimination.

This Policy deals with harassment that occurs in the workplace. It is the employer's responsibility to create and maintain a workplace free of harassment. Your Union has a role in making sure the employer meets that important responsibility.

This Policy helps clarify what role the Union can play where a workplace harassment complaint or grievance is filed. There are three basic principles that support this Policy:

(1) the Union's role in providing representation to employees in the context of workplace harassment should be consistent with its condemnation of harassment;

(2) you can request and obtain Union representation unless it is clear that the allegations – on their face – do not meet the definition of harassment that applies to your workplace. Depending on where you work, the definition of harassment can be found either in your collective agreement or in an employer policy; and

(3) if an allegation of harassment has been made against you, the Union can help provide you with information about the process you can expect. If a finding has been made that you did harass someone, and you are subject to corrective measures such as discipline or a deployment to another position, the Union may provide you with representation where it reasonably believes that the measures taken are too severe or unwarranted in the circumstances.

To help you understand how workplace harassment allegations are usually dealt with, here are some general things to keep in mind:

- it is the employer that is responsible for providing a workplace free from harassment. The employer, therefore, must assess the validity of a complaint, decide whether to investigate it, and, if so, render a decision;

- the definition of harassment that will apply under this Policy will be the definition in either the employer's policy or your collective agreement;

- the process used to investigate allegations of harassment will either be those set out in your collective agreement or, where no such provision exists, those set out in the employer's policy;

- the person alleging harassment, and the person against whom the allegations are made, have a right to be heard. This doesn't mean the investigation process looks like a trial, but you need to be given a reasonable opportunity to put relevant information in front of the employer or investigator and to respond to any evidence or allegations made against you.

In addition to the Union's role in the context of individual complaints or grievances, the PSAC continues to work hard at the negotiating table and in the workplace to hold the employer to its duty to ensure that allegations of

harassment are dealt with fairly, transparently and expeditiously. The Union will also continue to work with the employer to support the necessary education and training that is required to raise the awareness necessary to achieve and maintain the harassment-free workplace that each of you is entitled to work in.