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# UNDE HARASSMENT POLICY

## 1. Statement of Commitment

The Union of National Defence Employees, a Component of the Public Service Alliance of Canada (PSAC), promotes a zero-tolerance policy with respect to harassment and discrimination. UNDE believes and promotes full equality of all its members and the right of each member to be treated with dignity and respect.

UNDE will neither tolerate nor condone attitudes and behaviours at union functions, regardless of intent, that are likely to undermine the dignity, self-esteem or security of an individual or create an intimidating, threatening, hostile or offensive environment.

The Component actively supports the Canadian Human Rights Act and associated programs that are designed to achieve equality within Canadian society as well as the PSAC Policies governing Harassment. This Policy does not prevent members from using those avenues but covers the guidelines the Component will follow for UNDE Harassment Complaints.

The UNDE Harassment Policy and the Guidelines and Procedures for Managing Harassment Complaints (Annex B) address harassment situations that include personal harassment, sexual harassment and abuse of authority at all UNDE functions, meetings or socials.

## 2. Definitions

### (a) Bullying

Bullying is usually seen as acts or verbal comments that could 'mentally' hurt or isolate a member during UNDE functions. Bullying can involve negative physical contact as well. Bullying usually involves, but is not limited to, repeated incidents or a pattern of behaviour that is intended to intimidate, offend, degrade or humiliate a particular member or group of members. It has also been described as the assertion of power through aggression.

### (b) Harassment

Harassment can include, but is not limited to, the following:

- objectionable conduct, comments or displays made once or repeatedly that demean, belittle, humiliate or embarrass another;
- an expression of perceived power and superiority over another person or group;
- offensive, unwelcome and unwarranted actions or attitudes undesired by a member;
- can be used for reasons of control or to obtain favours;
- action or behaviour that a person knew or ought to have known would be "unwelcome" or "unwanted";
- physical assault.

Harassment can also be based on, but not limited to, the following:

- sex, race, creed, colour, ethnicity, age, sexual orientation, disability, family or marital status, conviction for an offence for which a pardon has been granted, appearance, social or economic class, political or religious affiliation or language of a member;

- refusal to work with another person;
- over-protection (as defined in the Canadian Human Rights Act) of someone because of a perceived need (e.g. disability, pregnancy, etc.).

(c) Discrimination

Discrimination is recognized as interference, restriction, coercion, intimidation or any disciplinary action exercised or practiced with respect to a member by reason of age, race, creed, colour, national origin, marital or family status, disability, religious affiliation, conviction for an offence for which a pardon has been granted, appearance, sex, sexual orientation or membership or activity in the union.

Discrimination can also be any action that denies a member's right to be treated fairly. It is also a type of prejudice, attitude or a state of mind relating to a pre-conceived opinion held by one person or a group about another person or group, that tends to cast the member(s) in an inferior light.

(d) Sexual harassment

Sexual harassment can include, but is not limited to, the following:

- conduct, comment, gesture or physical contact of a sexual nature;
- can be a single occurrence or on a repeated basis;
- unwelcome remarks, jokes or taunts of a sexual nature about a person's body, mannerism, clothing or sex;
- gestures or practical jokes of a sexual nature that cause discomfort or embarrassment;
- display of offensive or pornographic pictures, graffiti or material of a sexual nature;
- leering (sexually suggestive staring);
- demands for sexual favours;
- unnecessary physical contact such as touching, patting or pinching.

(e) Abuse of authority

Abuse of authority is a form of harassment that occurs when a member or members improperly use their union power, authority or position against another member or other members. Abuse of authority may include, but is not limited to, the following:

- withholding information that a member or members require to perform their duties;
- favouritism of one member over another;
- yelling at a member or members in front of others;
- taking advantage of his/her union position to exploit, intimidate, threaten, blackmail, compromise, coerce or mistreat others.

(f) Initial Complaint

An initial complaint is a complaint for which no detailed record is kept and for which the member(s) chooses not to take further action.

(g) Informal Complaint

An informal complaint is a complaint for which no detailed record is kept and for which the member(s) chooses to take further action.

(h) Formal Complaint

A formal complaint is a complaint for which the member(s) chooses to complete the UNDE Harassment Complaint Form (Annex D).

(i) Complainant

A complainant is a member who feels s/he has experienced harassment.

(j) Respondent

A respondent is a member(s) against whom the allegation of harassment is made.

(k) Intervener

An intervener is a member in good standing appointed by the responsible officer for all UNDE events. The intervener is responsible to assist any member(s) through the harassment complaint procedure and shall be familiar with the UNDE Harassment Policy, the Guidelines and Procedures for Managing Harassment Complaints (Annex B).

(l) Responsible Officer

The Responsible Officer is the elected official responsible for the event and shall assist the intervener during the informal investigation process. The Responsible officer shall be familiar with the UNDE Harassment Policy, the Guidelines and Procedures for Managing and Procedures for Managing Harassment Complaints (Annex B).

(m) Reviewing Officer

Once an allegation is submitted in writing it moves to the formal investigation process. If a written complaint is made at a Local or Regional function, the Reviewing Officer is the VP of the Region.

In the event a National Executive officer is identified as a respondent, the National President shall be the Reviewing Officer.

For all national events, the Reviewing Officer shall be the National President.

In the event the National President is identified as a respondent, the EVP shall be the Reviewing Officer.

(n) Harassment Investigation Committee

The harassment investigation committee should be made up of three UNDE members participating in the event who have no personal connection to either the complainant(s) or respondent(s). Under special circumstances, the harassment committee can be comprised of Union members from outside the Local.

The committee is responsible to investigate any and all alleged harassment complaints made during a UNDE function, meeting or social and shall be familiar with the UNDE

Harassment Policy, the Guidelines and Procedures for Managing Harassment Complaints (Annex B).

### **3. Statement of Impact**

Members can be impacted by harassment, both directly and indirectly, causing them to withdraw into silence and to cease active participation from all activities. All members are adversely affected by harassment when they witness it and are forced to continue operating in a tense, poisoned environment. Any unchallenged form of harassment leaves the wrong impression – that it is an acceptable human interaction – thus poisoning the environment that may cause the offensive behaviour and abusive patterns to continue and escalate.

### **4. Principles**

- every member has a right to freedom from harassment within all union functions, meetings or socials and is responsible for contributing to a harassment-free union environment;
- every member has a responsibility to provide leadership by setting standards of behaviour that reflect UNDE's commitment to equality. Any member who witnesses harassment or discrimination has a responsibility to stop the behaviour or report it immediately;
- representatives involved in handling harassment at any level shall be trained and knowledgeable on the procedures contained within this policy and will deal with complaints in a professional manner as expeditiously as possible;
- confidentiality shall be respected throughout all alleged harassment incidents and investigations.

### **5. Application**

This policy shall be applied during all UNDE functions, meetings or socials. UNDE and its membership will respect and adhere to this policy and the Guidelines and Procedures for Managing Harassment Complaints (Annex B).

All members shall have the right to contribute to any debates that will determine the direction the Component will take and shall do so in a respectful manner. To facilitate this, the following is a list of situations that this policy will NOT apply to:

- members advocating any duly adopted policies or positions of the union;
- members expressing their opinion (opinions shall not constitute illegal discrimination such as racial discrimination or homophobia, etc.);
- members actively opposing illegal discrimination or harassment.

Although UNDE does advocate and promote zero-tolerance for harassment in the workplace, UNDE firmly believes that harassment in the workplace is the responsibility of the employer. Members who feel that they have been harassed in the workplace have the right to file written complaints through the following avenues:

- Treasury Board Policy on the Prevention and Resolution of Harassment in the Workplace;
- DND Harassment Prevention and Resolution Guidelines;
- Grievance process; and
- Human Rights Commission.

Since it is recognized that staff is required to interact with the membership in the performance of their duties and that disputes will be inevitable, UNDE, as an employer, shall ensure that staff are provided a harassment-free work environment. The National President, as an employer, under human rights legislation and the relevant collective agreement, will deal with any allegations of harassment against staff members.

## **6. General**

Respect for human rights must be the basis of interaction among trade unionists. The responsibility to create a harassment-free environment rests with the individual member and staff in attendance at a union function, meeting or social and with UNDE as a union and as an employer.

Any member or staff witnessing any type of harassment during union events has the responsibility to ensure that the behaviour is stopped. All members and staff have the responsibility to provide leadership in setting standards of behaviour that reflect our commitment to equality.

No member or staff will prevent the lodging of a harassment complaint nor interfere during an investigation under this policy. Anyone guilty of this may be subject to disciplinary measures under the Local bylaws, UNDE Bylaws and the PSAC Constitution.

## **7. Policy Requirements**

All members, elected officers and staff shall:

- ensure that their behaviour supports a harassment-free union environment;
- promote a zero-tolerance policy with respect to harassment during all union events;
- cooperate when harassment complaints are being investigated;
- respect the confidentiality of all harassment complaints.

## **8. Rights, Roles and Responsibilities**

### **(a) Complainant**

Under this policy, the complainant has the right to:

- freedom from harassment during all union functions, meetings and socials;
- receive a copy of this policy and be advised of the options available for resolving a complaint;
- be advised of all parties' entitlements during a harassment complaint investigation including the right to challenge the findings at any level;
- a union representative of his/her choice during a harassment complaint investigation;
- a confidential and timely review of his/her complaint without fear of embarrassment or reprisal;
- be kept informed of the status of his/her complaint and to obtain copies of all documentation relating to his/her complaint.

The complainant shall be responsible for:

- confronting the respondent and making it clear the attention or behaviour is unwelcome or unwanted and if unable to, s/he should seek assistance from the intervener;
- being specific and concrete when identifying the allegations;
- cooperating during alleged harassment complaint investigations and when required, providing written documentation surrounding the incident(s).

(b) Respondent

Under this policy, the respondent has the right to:

- freedom from harassment during all union functions, meetings and socials;
- be informed of any harassment complaints that have been identified against him/her;
- receive a copy of this policy and be advised of the options available for resolving a complaint;
- be advised of all parties' entitlements during a harassment complaint investigation including the right to challenge the findings at any level;
- a union representative of his/her choice during a harassment complaint investigation;
- a confidential, timely review of the alleged harassment and to obtain fair and equal treatment;
- be kept informed of the status of his/her complaint and to obtain copies of all documentation relating to his/her complaint.

The respondent shall be responsible for:

- cooperating during alleged harassment complaint investigations and when required, providing written documentation surrounding the incident(s).
- making every effort to resolve the complaint as quickly as possible.

(c) Intervener

Under this policy, the intervener shall be responsible for:

- reading aloud at the beginning of each event, the UNDE Statement on Harassment (Annex A);
- coordinating with the responsible officer during the event and ensuring a safe room is available;
- receiving complaints, providing advice on filing complaints and discussing the available options with the complainant(s) to try and resolve the issue;
- advising the respondent(s) of the complaint(s);
- mediating, if possible, with both parties in an attempt to resolve the issue before the conclusion of the event;
- advising both the complainant(s) and respondent(s) of their entitlement to representation as well as the entitlement to any written documentation and a completed copy of the UNDE Harassment Complaint Form (Annex D);
- advising the complainant(s) and the respondent(s) of their obligation to complete Annex D Parts B, C and to provide a list of witnesses if the complaint(s) cannot be resolved informally. These forms when completed will be forwarded to the responsible officer.
- completing and submitting the UNDE Harassment Event Report (Annex C Part A) and forwarding to the Responsible Officer.



(d) Responsible Officer

Under this policy, the Responsible Officer shall be responsible for:

- ensuring an intervener is identified and introduced at the beginning of all UNDE functions, meetings or socials;
- ensuring copies of the UNDE Harassment Policy are available at each UNDE function, meeting or social;
- coordinating with the intervener during the event to ensure any issues of concern are addressed;
- implementing, if possible, any recommendations to resolve harassment complaints at the earliest stage possible;
- receiving and reviewing all UNDE Harassment Event Forms (Annex C);
- receiving and completing all UNDE Harassment Event Forms (Annex C Part B), Annex D Parts A, B, C and the list of witnesses and forwarding all to the VP of the Region;
- the responsible officer shall at all times have the authority to expel any member disrupting any UNDE meeting, function or social.

(e) Reviewing Officer

Under this policy, the Reviewing Officer shall be responsible for:

- receiving all completed UNDE Harassment Event Forms (Annex C Parts A and B);
- receiving all completed UNDE Harassment Complaint Forms (Annex D Parts A, B, C and the list of witnesses for all written complaints;
- contacting and obtaining all written witness statements (Annex D Part D);
- reviewing all documentation to determine whether an Investigation Committee need be established;
- providing rationale to both the complainant(s) and the respondent(s) for not establishing an investigation committee;
- establishing an Investigation Committee and establishing its mandate if the need is determined;
- providing direction and assistance to the Investigation Committee using UNDE Harassment Policy Annex B;
- providing all documentation to the investigation committee;
- advising the investigation committee that their report must be presented in two parts with Part I as the findings and Part II as the recommendations;
- keeping complainant(s) and respondent(s) informed of their rights and obligations under this policy;
- reviewing the investigation committee's report to ensure the mandate has been met;
- determining what level the investigation committee's report will be dealt with;
- serving as the Chair of the meeting where the investigation committee's report will be presented;
- completing remaining steps required to finalize the committee's report (UNDE Regulation 1305.01(m - s), (w) and (x));

(f) Harassment Investigation Committee

Under this policy, the harassment investigation committee shall be responsible for:

- investigating alleged harassment complaints by following the established mandate, collecting evidence and interviewing all parties including witnesses;
- ensuring all parties are advised of their entitlement to representation and are provided with written documentation and a completed copy of the UNDE Harassment Complaint Form (Annex D);
- preparing a written report in two parts; Part I Findings and Part II Recommendations (if any) once the Investigation is completed;
- submitting the written Report to the Reviewing Officer complete with copies of all documentation secured during the Investigation.

(g) UNDE

Under this policy, UNDE shall be responsible for:

- providing and promoting an environment free of harassment and discrimination during any UNDE function(s), meeting(s) or social(s);
- ensuring all members involved in handling harassment at any level are fully trained and qualified to carry out their roles;
- ensuring staff resources are available for providing technical advice;
- protecting any and all member(s) from retaliation.

(h) National Executive

Under this policy, the UNDE National Executive shall be responsible as follows:

- The National President shall be responsible for interpreting this policy
- The Executive Vice-President shall be responsible for replacing the National President in his/her absence or in the event the National President is a respondent
- The VP of the Region shall be responsible for:
  - serving as the reviewing officer for any written complaint(s) raised at the Local Level;
  - serving as the reviewing officer for any written complaint(s) raised at Regional functions unless they are either a complainant or respondent; in that event, the DVP will serve as the reviewing officer;
  - submitting completed UNDE Harassment Policy Annex F to the UNDE Standing Bylaws Committee on a quarterly basis.

(i) UNDE Standing Bylaws Committee

Under this policy the UNDE Standing Bylaws Committee shall be responsible for:

- receiving each Region's quarterly report (Annex F);
- compiling this data and completing Annex G);
- providing an Annual Report to the National Executive based upon the information compiled to help identify areas that may need assistance and training;
- developing and recommending preventative measures;
- recommending amendments for this policy following procedures in the UNDE Harassment Policy Article 10 Amendments.

(j) UNDE Communications and Training (COMTRA) Committee

Under the policy the UNDE COMTRA Committee shall be responsible for:

- developing a UNDE training module to ensure all members involved in the application of the UNDE Harassment policy are fully aware of their roles and responsibilities;
- developing a UNDE training module using recommended preventative measures and other information to help reduce the amount of harassment complaints;
- developing a training plan to deliver the training modules and to determine how and who will participate in the training modules;
- ensuring all modules are updated as required;
- submitting all recommendations to the National Executive for final approval.

(k) UNDE Staff

UNDE staff will serve as resource personnel and will not participate in any level of the harassment complaint investigation, such as contacting or interviewing any member(s) or other parties, nor shall they participate in the development of recommendations.

## 9. Prevention

UNDE Harassment Quarterly Report (Annex F) and UNDE Harassment Annual Report (Annex G) will be maintained and compiled in an effort to identify what and where weaknesses exist. Statistical data will be used in the development of preventive measures, such as training, to fulfill the component's commitment to providing a harassment-free environment within the union.

## 10. Amendments

Amendments to this policy shall be approved at triennial conventions by UNDE delegates and shall be subject to the approval of two-thirds of voting UNDE delegates.

Amendments during the interim shall be placed before the National Executive and shall be subject to the approval of two-thirds majority vote. If upheld, any and all amendments shall be placed before the delegates at the next triennial convention and shall be subject to the approval of two-thirds of the voting delegates. If amendments are upheld, they will form part of this policy and if not upheld, they will be eliminated from this policy.

## **ANNEX A**

### **UNDE STATEMENT ON HARASSMENT**

(to be read aloud at all UNDE events)

The Union of National Defence Employees promotes a zero-tolerance policy in regard to harassment and discrimination.

The component believes and promotes full equality of all its members and the right of each member to be treated with dignity and respect.

UNDE will neither tolerate nor condone attitudes and behaviours at union events, regardless of intent, that are likely to undermine the dignity, self-esteem or security of an individual or create an intimidating, threatening, hostile or offensive environment.

If you experience harassment at this event, contact (*identify the intervener*) who will assist you through the process outlined in the UNDE Harassment Policy and the Guidelines and Procedures for Managing Harassment Complaints.

## **ANNEX B**

### **GUIDELINES AND PROCEDURES FOR MANAGING HARASSMENT COMPLAINTS**

#### **1. Guidelines**

These guidelines are provided to assist members in the management of harassment complaint(s) and are built on the principles of expediency and confidentiality during the process and procedures of any initial and informal complaint(s). They provide a fair and due process for both the complainant(s) and the respondent(s) and are applicable to all UNDE members regardless of position held, but exclude UNDE Staff members.

At all UNDE events (meetings, socials and functions), the Intervener shall be identified and is responsible for reading out the UNDE statement on harassment (Annex A) and for managing any and all. The Responsible Officer shall assist the Intervener during these processes.

In the event any initial or informal complaint(s) are dealt with, the Intervener shall complete the UNDE Harassment Event Form (Annex C Part A) and submit to the Responsible Officer.

For any initial and/or informal complaint(s), the Responsible Officer shall complete Annex C Part B and submit to the VP of the Region. The VP of the Region shall complete Annex F and submit same on a quarterly basis to the UNDE Standing Bylaws Committee. The Standing Bylaws Committee shall complete Annex G, present their findings to the National Executive and provide recommendations on preventative measures.

Any complaint(s) not resolved through these processes must proceed to the formal process and will be managed by the Reviewing Officer in accordance with UNDE Bylaw 13 Article 9 and Regulation 1305.01.

#### **2. Process and Procedures**

To facilitate the expedient resolution of any allegation of harassment, the Intervener is responsible to assist any member(s) to determine the process s/he wishes to use.

- (a) Initial complaint: When a member seeks the help of the intervener, s/he must first be made aware of the available options. If the member chooses not to take any further action after discussing the incident, no detailed record shall be kept, but generic info (using no names) shall form part of the UNDE Harassment Event Report (Annex C).
- (b) Informal Complaint: if the complainant(s) wishes to take further action, the intervener is responsible to meet with the respondent(s) and to advise both the respondent(s) and the complainant(s) of their entitlement to representation. During the meeting, the respondent(s) shall be informed of the nature of the complaint(s) and the identity of the complainant(s). If resolution that is acceptable to the complainant(s) and the respondent(s) can be reached, no detailed record shall be kept of the incident but generic info (using no names) shall form part of the UNDE Harassment Event Form (Annex C Parts A and B).

- (c) Formal Complaint: Although it is the intent to resolve any complaint before the conclusion of the event, if any complaint of harassment cannot be resolved through the initial or informal processes, the Intervener shall advise both the complainant(s) and the respondent(s) of their obligation to complete in writing, Annex D Parts A, B and their list of witnesses within 30 days of the initial complaint(s). All documentation will be submitted to the Responsible Officer. The Responsible Officer will forward all documentation to the Reviewing Officer. If the required written documentation from the complainant(s) is not received within the 30 day requirement, the Reviewing Officer will consider the allegation(s) to be abandoned.

The Reviewing Officer shall ensure that any complainant(s) and respondent(s) are provided copies of all written documentation including Annex D Parts A and B, as well as identify the rights of each to have representation that will be at their own cost.

The Reviewing Officer shall contact the complainant(s) and respondent(s) to ensure all documentation has been submitted and advise each that non participation may result in disciplinary action. If either the (complainant(s) or respondent(s) decide to not meet their obligations under this policy, the Reviewing Officer, will determine if and what disciplinary action is required. The Reviewing Officer will also contact the list of witness(es) provided to submit their copies of Annex D Part D.

The Reviewing Officer within 7 days and based upon received documents from the complainant(s), the respondent(s) and the witness(es) will determine whether an investigation into any allegation(s) is needed.

If the Reviewing Officer determines there is no need to establish an Investigation Committee, they will be responsible for identifying reasons of that decision to any complainant(s), respondent(s) and the National President and to provide entitlement to each that they can appeal that decision to the National Executive.

If the Reviewing Officer determines the requirement for further investigation, they will establish an internal or external investigation committee consisting of at least 3 impartial unionized members at the Local's expense. The Reviewing Officer will provide the mandate, all written documentation to the Committee, the complainant(s) and the respondent(s). The Reviewing Officer shall provide procedural assistance to the Investigation Committee, the complaint(s) and the respondent(s). The Reviewing Officer will not take part in any investigation or decision making procedure.

If the Reviewing Officer has determined disciplinary action is required against any party for non participation, that information will not be shared with the Investigation Committee in the event that party wishes to participate with the Investigation Committee. Consideration to said party will be given to disciplinary recommendations if they do choose to participate with the Investigation Committee.

The established Investigation Committee will be responsible to conduct a thorough investigation based upon their mandate using Annex E as a guideline. The Investigation Committee will contact the complainant(s), the respondent(s) and the listed witness(es) to establish timings for interviews and for receiving any further documentation. Any further witness must complete a written statement (Annex D Part D). Any further documentation including new witness statement(s) must be provided to the Reviewing Officer, the complainant(s) and the respondent(s). Witnesses do not get any copies of paperwork other than their own written documentation submitted on Annex D Part D.

The Investigation Committee will conduct as many meetings as necessary with the complainant(s), the respondent(s) and witness(es) until they can make a finding of the allegation(s) in accordance with its mandate.

Once the Investigation Committee has reached its decision, a written report comprised of two parts shall be submitted to the Reviewing Officer. Part I of the report will be the Committee's Findings and Part II of the report will be the Committee's Recommendations.

The Reviewing Officer will review and ensure the report is in order and that the Committee met its mandate. The Reviewing Officer will work with the Investigation Committee to address any discrepancies. If necessary, the Reviewing Officer will be responsible for setting up the meeting where the report will be presented. The Reviewing Officer will be responsible for providing the complainant(s) and the respondent(s) with copies of the Investigation Committee report. If required, the Reviewing Officer will advise the complainant(s) and the respondent(s) that they can attend the special or general membership meeting, but they will have no voice or vote while the report is being presented.

### **3. Investigation Committee Report Presentation**

If the Investigation Committee's Report determines the complaint(s) unfounded, there is no reason to present it to an approving body. If disciplinary action, removal from office or suspension of membership is recommended, the Report must be presented to an approving body.

If Respondent is a UNDE member or UNDE Local Officer:

- The approving body is determined to be the respondent(s) Local(s) if the member(s) is either a member(s) or a Local Executive Officer regardless of the complainant(s) position in the Union.
- The Reviewing Officer will serve as chair of the meeting while the chair of the Investigation Committee will present the Report which will be placed before a special or general membership meeting of the respondent(s) Local(s) and shall be presented in two parts. Part I - Findings must be accepted before discussion can begin and requires a simple majority - 50% plus one less the complainant(s) and the respondent(s). Part I cannot be amended. If Part I is not accepted, the Investigation Committee's Report dies.
- If Part I is accepted, the membership, less the complainant(s) and the respondent(s) have the opportunity to seek further clarification from the Committee chair. Once all clarification is provided, Part II – Recommendations shall be presented which will require a two-thirds majority vote to carry. Complainant(s) and respondent(s) have no voice or vote during this process. Part II can be amended by the membership which is still subject to a two-thirds majority vote to carry.
- The Reviewing Officer will be responsible to carry through on any disciplinary Recommendations adopted by submitting the Committee's Report and the minutes of meeting that the report was dealt with to the UNDE National Executive. The carried Recommendations are still subject to two-thirds majority vote to be accepted. If accepted, the Recommendations and all supporting documentation (all minutes where

report was dealt with) will be forwarded to the PSAC NBoD. The Recommendations are still subject to two-thirds majority vote to carry.

If Respondent is a UNDE National Officer:

- The approving body for the Committee's Report will be the UNDE National Executive regardless of the complainant(s) position in the Union. A National Officer is defined as UNDE VP of the Region, UNDE EVP and UNDE National President. The approving body for any complaint(s) against the UNDE Harassment Advisor while serving in that capacity only will be the UNDE National Executive. The approving body for any complaint(s) against the UNDE Harassment Advisor not serving in that capacity will be dealt with as a UNDE member.
- The Reviewing Officer will serve as chair of the meeting while the chair of the Investigation Committee will present the Report in two Parts to the National Executive. Any complainant(s) or respondent(s) have no voice or vote during this process but are entitled to have representation.
- Representatives of the complainant(s) or the respondent(s) can only participate with voice during the presentation of the Report.
- Representatives cannot participate once the UNDE National Executive start deliberations on the Recommendations, however the complainant(s) or the respondent(s) will have the ability to hear the deliberations and the decisions reached. This will be done through the UNDE Conference calling system.

Part I – Findings is subject to a simple majority vote to be adopted and cannot be amended. The Committee's report will die if Part I is not adopted.

If Part I is adopted, the National Executive and any Representatives less complainant(s) and respondent(s) have the opportunity to seek clarification from the Investigation Committee chair.

Once all clarification is provided, Part II – Recommendations shall be presented to the National Executive. Any Representatives can no longer participate in any capacity while the complainant(s) and respondent(s) have no voice or vote during this process. Recommendations are subject to a two-thirds majority vote and can be amended.

Any recommendations supported will be forwarded to the PSAC NBoD for final approval which will be subject to a two-thirds majority vote to carry.

#### **4. Findings for All Complaints**

The Reviewing Officer shall ensure the complainant(s) and the respondent(s) are advised of their entitlements when:

Complaint(s) is upheld – the respondent(s) is entitled to appeal to the approving body within 60 days of receipt of notification of discipline.

The approving body will be as follows:

- For removal of office – UNDE National Executive



- For suspension of membership – PSAC will provide appeal process in letter of discipline

Complaint(s) is Deemed Frivolous, Vexatious or Malicious – the complainant(s) shall be subject to disciplinary action under this Policy, Local Bylaws and the UNDE Bylaws.

Any member(s) that does not comply with any of the adopted recommendations shall be subject to disciplinary action under this Policy, Local Bylaws and the UNDE Bylaws.

## **ANNEX C**

### **DIRECTIONS FOR COMPLETING THE UNDE HARASSMENT EVENT REPORT**

Under the Guidelines and Procedures for Managing Harassment (Annex B), this form must be completed for any and all complaints handled during an UNDE event. This form must be submitted at the end of the Union function.

#### **Directions for Part A – Intervener**

1. Function – what kind of function (Local meeting, course, regional conference, social, etc.) and where it took place.
2. Duration of function – start and end dates.
3. Number of complaint(s) handled – total number of initial complaints and/or informal complaints handled during this function.
4. Type of complaint(s) handled – refer to definitions to help determine the nature of the complaint and how many of each.
5. Demographics of complaints handled – gender of the complainant(s) and respondent(s).
6. Resolution process – which process was used to resolve the complaint.
7. Status of Complaint – if the complaint(s) have been resolved during the event through either the initial or informal process then it is considered complete. Any complaint(s) proceeding to the formal stage will be handed to the Responsible Officer.
8. Any recommended changes to the policy or procedure – if there are any actions that can be taken or changes made that will ensure a harassment-free environment during UNDE functions.

#### **Directions for Part B - Responsible officer**

9. Confirmation that the proper process and procedures were followed for initial and/or informal complaint(s) – ensure that process was followed and sign off.
10. Confirmation that documentation for formal complaints have been forwarded to the Reviewing Officer – identify what date that was completed.
11. Any recommended changes to the policy or procedures – identify any actions that could be taken to that will ensure a harassment-free environment during UNDE Functions

**ANNEX C**

**UNDE HARASSMENT EVENT REPORT**

**Part A – to be completed by the intervener**

1. Function: \_\_\_\_\_ Location: \_\_\_\_\_

2. Duration of function: \_\_\_\_\_ Start date: \_\_\_\_\_

End date: \_\_\_\_\_

3. Number of complaint(s) handled: \_\_\_\_\_

4. Type of Complaint(s) handled:

Bullying	_____	Discrimination	_____
Harassment	_____	Abuse of Authority	_____
Sexual Harassment	_____		_____

5. Demographics of complaint(s) handled:

Was Respondent:	Female	_____	Male	_____
Was Complainant:	Female	_____	Male	_____

6. Resolution process:

Initial complaint(s): \_\_\_\_\_ Informal complaint(s): \_\_\_\_\_

7. Status of complaint(s):

Number of completed Initial and/or Informal complaint(s): \_\_\_\_\_

Formal complaint(s) forwarded to the Responsible Officer \_\_\_\_\_  
(date)

8. Any recommended changes to the policy or procedures:

\_\_\_\_\_  
\_\_\_\_\_

Name of Intervener

Date

Signature

\_\_\_\_\_

**Part B – to be completed by the Responsible Officer**

9. The signing of this document confirms that any complaint(s) handled through the Initial and/or Informal process have been properly followed.

10. The signing of this document confirms that any formal complaint(s) has been forwarded to the Reviewing Officer on \_\_\_\_\_(date)

11. Any Further Recommendations or Suggestions:

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Name of Responsible Officer

Date

Signature

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**ANNEX D**

**UNDE HARASSMENT COMPLAINT FORM**  
**(one Annex D required for each complaint received)**

**Part A – To be completed by Reviewing Officer:**

1. Identifying information

Name of complainant(s): \_\_\_\_\_  
Name of respondent(s): \_\_\_\_\_  
Name of intervener: \_\_\_\_\_

Names of harassment investigation committee members:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

2. Checklist	Number of Forms Received (a, b, c)	Date
a) Completed Annex D Part B – Complaint(s) received		_____
b) Completed Annex D Part C – Respondent(s) received		_____
c) Completed Annex D Part D – Witness(es) received (list separately if required)		_____
d) Stand up of Investigation Committee		_____
e) Mandate for Investigation Committee completed		_____
f) All written correspondence provided the complainant(s)		_____
g) All written correspondence provided the respondent(s)		_____
h) All written correspondence provided the Investigation Committee Members		_____

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Name of Reviewing Officer \_\_\_\_\_ Date \_\_\_\_\_ Signature \_\_\_\_\_

**ANNEX D**

**UNDE HARASSMENT COMPLAINT FORM**

Part B – Complainant

1. Complainant's information

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Local: \_\_\_\_\_

Telephone: (w) \_\_\_\_\_ (h) \_\_\_\_\_

How to contact during event: \_\_\_\_\_

2. Any available information about the respondent(s)

Name: \_\_\_\_\_

How to contact during event: \_\_\_\_\_

3. Details of allegations *(use separate sheet if necessary)*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Why is this considered harassment?

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. Witnesses

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. Corrective action requested

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7. Complainant's signature

*Note: Any changes to this form must show the complainant's initials beside each change.*

"I have read, understand and agree to the above information."

Complainant's signature

Date

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Intervener's signature

Date

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**ANNEX D**

**UNDE HARASSMENT COMPLAINT FORM**

Part C – Respondent

1. Respondent's information

Name: \_\_\_\_\_

Address: \_\_\_\_\_

Local: \_\_\_\_\_

Telephone: (w) \_\_\_\_\_ (h) \_\_\_\_\_

How to contact during event: \_\_\_\_\_

2. Response to complaint(s) *(use separate sheet if necessary)*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Witnesses

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Response to corrective action requested

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. Agreed-to actions

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



6. Respondent's signature

*Note: Any changes to this form must show the respondent's initials beside each change.*

"I have read and understand the allegations."

Respondent's signature

Date

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Intervener's signature

Date

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**ANNEX D**

**UNDE HARASSMENT COMPLAINT FORM**

Part D – Witnesses (*use a separate sheet for each witness*)

1. Witness information

Name: \_\_\_\_\_

Local: \_\_\_\_\_

Telephone: \_\_\_\_\_

How to contact during event: \_\_\_\_\_

2. Statement about what the witness saw or heard pertaining to the incident(s) in question. Identify whether witness was present or not during the incident(s) and what relationship (if any) to both the complainant(s) and respondent(s):  
*(use a separate sheet if necessary)*

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Signature of witness

*Note: Any changes to this form must show the respondent's initials beside each change.*

“The information I have provided in this statement is true.”

Witness's signature	Date
_____	_____

Responsible Officer's signature	Date
_____	_____

## ANNEX E

### DIRECTIONS FOR THE INVESTIGATION COMMITTEE MEMBERS

When the issue(s) is not resolved through the initial and/or informal process, the established investigation committee is responsible to investigate any and all alleged harassment complaints made during a UNDE function, meeting or social.

Under the Guidelines and Procedures for Managing Harassment Complaints, the established investigation committee is responsible for conducting a thorough investigation based upon their mandate.

These directions have been developed to assist committee members in completing their duties and making recommendations based on the following:

#### 1. Findings

The committee must determine if the allegation(s) is founded or unfounded. The committee must present rationale for determination of findings which must be presented in Part I of the Committee's Report.

#### 2. Recommendations

To assist the committee in making recommendations, the following is a list of factors and possible examples of recommendations:

Considering Factors:

- Has the member(s) voluntarily admitted or expressed regret regarding the incident;
- Has the member(s) fully cooperated throughout the process;
- How severe is the incident
- Has there been any violation of the UNDE Harassment Policy and/or the UNDE Bylaws, if so disciplinary action must be recommended

Complaint Founded – Recommendations for Respondent(s):

- Private or public apology to the Complainant(s)
- Training requirements as determined by the committee;
- Removal of Office from UNDE positions;
- Suspension of membership

Complaint Unfounded – Recommendations for the Complainant(s):

No Malicious or Vexatious Intent:

- Private or public apology to the Respondent(s);
- Training requirements as determined by the committee;

Malicious or Vexatious Intent

- Removal of Office from UNDE positions;
- Suspension of membership

**Final Notes**

1) Recommendations calling for disciplinary action that include the removal of member(s) from present event, must be justified by the severity of the behaviour. When such recommendation is made, the responsible officer shall have the authority to approve recommendations of this nature.

2) Recommendations calling for disciplinary action that include the removal from office shall be in compliance with the Guidelines for Managing Harassment Complaints (Annex B) paragraph 3 and UNDE Bylaw 13.

3) Recommendations calling for suspension or expulsion from membership, shall be in compliance with the Guidelines for Managing Harassment Complaints (Annex B) paragraph 3 and PSAC Constitution, Section 25 and Regulation 19.

**ANNEX E**

**UNDE INVESTIGATION REPORT FORM**

This form is to be completed by the Reviewing Officer upon the completion of an investigation under this Policy and submitted to the UNDE Standing Bylaws Committee.

1. Name of Investigation - \_\_\_\_\_

2. List Adopted Recommendation(s) -  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3. Completion Dates of Each Adopted Recommendation(s)-  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. Any further disciplinary action taken for:  
Any member not cooperating during the process: \_\_\_\_\_ (yes or no)  
Any member not complying with any of the adopted  
Recommendations: \_\_\_\_\_ (yes or no)

5. If yes, list name(s) and date(s) you sent to National President for his/her action  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Signed by: \_\_\_\_\_ Date \_\_\_\_\_

ANNEX F

UNDE HARASSMENT QUARTERLY REPORT FORM

To be completed by the VP of the Region and submitted to the UNDE Standing Bylaws Committee.

Report for which quarter:

1. Jan – Mar \_\_\_\_\_ 3. Jul – Sep \_\_\_\_\_  
2. Apr – Jun \_\_\_\_\_ 4. Oct – Dec \_\_\_\_\_

1. Total number of complaints handled \_\_\_\_\_

2. Total number of complaints by event

Meetings	_____	Conferences	_____
Course	_____	Convention	_____
Social	_____	Other	_____

3. Total number of complaints by type

Bullying	_____	Discrimination	_____
Harassment	_____	Abuse of Authority	_____
Sexual Harassment	_____		

4. Total demographics of complaints

Respondents	Female	_____	Male	_____
Complainants	Female	_____	Male	_____

5. Total number of resolution processes used

Initial complaints	_____	Informal complaints	_____
Formal complaints	_____		

6. Total status of complaints

Completed \_\_\_\_\_ \*Ongoing \_\_\_\_\_  
\*Identify what stage ongoing complaints are at \_\_\_\_\_

7. Total number of recommendations for disciplinary action

Completed \_\_\_\_\_ \*Ongoing \_\_\_\_\_  
\*Identify what stage ongoing complaints are at \_\_\_\_\_

\_\_\_\_\_  
Name of Reviewing Officer                      Date                      Signature

**ANNEX G**

**UNDE HARASSMENT ANNUAL REPORT FORM**

To be completed by the UNDE Standing Bylaws Committee and submitted to the National Executive during the fall session.

Report for year \_\_\_\_\_

1. Total number of complaints handled \_\_\_\_\_

2. Total number of complaints per region

NL/NB	_____	PSP	_____
NS	_____	CSE	_____
QC	_____	SK/MB	_____
NCR	_____	AB & NORTH	_____
ON	_____	BC	_____

3. Total number of complaints by event

Meetings	_____	Conferences	_____
Course	_____	Convention	_____
Social	_____	Other	_____

4. Total number of complaints by type

Bullying	_____	Discrimination	_____
Harassment	_____	Abuse of authority	_____
Sexual harassment	_____		

5. Total demographics of complaints

Respondents	Female	_____	Male	_____
Complainants	Female	_____	Male	_____

6. Total number of resolution processes used

Initial complaints	_____	Informal complaints	_____
Formal complaints	_____		

7. Total status of complaints

Completed	_____	*Ongoing	_____
*Identify what stage ongoing complaints are at			_____

8. Total number of recommendations for disciplinary action

Completed \_\_\_\_\_ \*Ongoing \_\_\_\_\_  
\*Identify what stage ongoing complaints are at

\_\_\_\_\_  
\_\_\_\_\_

Name of Chair of UNDE  
Standing Bylaws Committee

Date

Signature

\_\_\_\_\_