



International
**LONGSHORE & WAREHOUSE
UNION**

LOCAL 500

MARCH 13, 2017

International Longshore & Warehouse Union Local 500 Anti-Harassment Policy and Procedures (the "Policy")

Policy Statement

The Union is committed to fostering a harassment-free workplace where all members are treated with respect and dignity. Harassment will not be tolerated.

Human rights law protects individuals from harassment based on the following grounds: race, national or ethnic origin, colour, religion, age, sex (gender, gender identity and pregnancy), sexual orientation, marital status, family status, disability (physical or mental) or conviction of an offence for which a pardon has been granted or in respect of which a record suspension has been ordered.

If an Employee or Representative of the Union is found to have harassed another individual, that Employee or Representative may be subject to disciplinary action up to termination.

Application

This Policy applies to complaints against all employees and representatives of the International Longshore & Warehouse Union (ILWU) Local 500 (the "Union") while they are acting within the scope of their responsibilities under their employment contract with the Union or under the Union's Constitution (an "Employee" or "Representative").

This Policy applies to any Employee or Representative who interferes with the resolution of a harassment complaint, retaliates against an individual for filing a harassment complaint, or files an unfounded harassment complaint intended to cause harm.

ILWU Local 500 will post this policy on bulletin boards in their offices where members have daily access.

Definitions

Harassment refers to inappropriate conduct or comments that:

- relate to one of the grounds listed above in the Policy Statement;
- are unwelcome to the recipient;
- disrespect, demean, humiliate, embarrass, offend or discriminate against the individual targeted; and
- would reasonably be expected to negatively affect the work environment or lead to adverse job related consequences.

Harassment may occur in the form of a single serious incident or several incidents over a period of time.

Normal social interaction and the exercise of appropriate Union representation will not constitute harassment.

**Local 500 Human Rights Complaints Officers:
Surj Brach, Joulene Parent**

24/7 Confidential Message Line: 604-258-4233

Sexual harassment is offensive behaviour related to a person's sex/gender and may include:

- offensive sexual comments, jokes, gestures, graffiti or physical contact;
- favours or promises of favours in return for sexual favours or threats of revenge for refusing them;
- unwanted personal interaction once the person has made it clear that they are not interested in the person making the advances; or
- the display of sexually explicit material in the workplace.

Harassment based on other grounds such as race, national or ethnic origin may include:

- offensive jokes related to race or place of origin;
- racial slurs, name calling or commentary; or
- displays of literature or materials that promote the supremacy or inferiority of one race or ethnic group.

Complaint Process

Designated Complaints Officers

The Union will designate Union Representatives who will be the Complaints Officers for the purpose of dealing with allegations of harassment. The Complaints Officers will include both male and female contacts..

Complaints Officers will have full authority and responsibility for the procedural aspects of the complaint. While respecting the principles of confidentiality and fairness for both the complainant and the respondent, they will conduct as timely and as thorough an investigation as possible.

Inquiries

A person experiencing harassment (the complainant) may first meet with a Complaints Officer to ask questions, inquire about the definition of harassment, review the complaint procedure, etc. The complainant will be informed of the alternate courses of action including informal resolution or formal investigation of the complaint.

Informal Resolution: Dialogue

Dialogue is often the simplest and most effective way to put an end to harassment and complainants are encouraged to take this action if they are willing or able to do so.

A harassed person may wish to communicate directly to the harasser that the offending behaviour is objectionable and unwelcome. The harasser should be asked to stop and reminded that the behaviour is contrary to this Policy.

If the misconduct continues after the discussion, the harassed person should report the offensive behaviour as outlined below.

The harassed person should keep a record of all relevant facts (e.g. dates, times, witnesses, nature of the offending behaviour, how the harassed person responded to the offending behaviour, etc.)

Reporting and Filing a Complaint

All complaints of harassment should be reported in writing within 30 days of the last incident, if possible. Incidents that are reported after a significant period of time has elapsed will be more difficult to resolve.

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In all circumstances, an individual who is accused of harassment will be informed of the allegations made against them and all the particulars supporting the allegations. The individual will also be provided with the opportunity to fully respond to the allegations and have their responses properly considered.

The complainant will be provided with the particulars of the respondent's defence and will have a chance to reply.

Mediation

Wherever appropriate and possible, the parties to the harassment complaint will be offered mediation prior to proceeding with a harassment investigation.

Mediation is voluntary and confidential. It is intended to assist the parties to arrive at a mutually acceptable resolution to the harassment complaint.

The mediator will be a neutral person, agreed upon by both parties. The mediator will not be involved in investigating the complaint.

Each party to the complaint has the right to be accompanied and assisted during mediation sessions. Lawyers will not be utilized in the mediation process.

Formal Resolution: Investigation

If mediation is inappropriate or does not resolve the issue, a harassment investigation will be conducted. All investigations will be handled by an individual who has the necessary training and experience. In some cases, an external consultant may be engaged for this purpose.

The investigator will interview the person who made the complaint, the person the complaint was made against and any witnesses that have been identified. All people who are interviewed will have the right to review their statement, as recorded by the investigator, to ensure its accuracy.

The investigator will prepare a report that will include:

- a description of the allegations;
- the response of the person the complaint was made against;
- a summary of information learned from witnesses;
- a decision about whether, on a balance of probabilities, harassment did occur.

The Investigation Report will normally be completed within three months or less. If additional time is needed, the parties will be informed of a new timeline and the reasons for the delay.

This Report will be submitted to the Local 500 Executive and to the complainant and respondent. The Local 500 Executive will decide what remedies or corrective actions are appropriate.

Remedies and Corrective Actions for Substantiated Complaints

Remedies for the person who was harassed may include: an oral or written apology; compensation for lost wages; compensation for any lost employment benefits such as sick leave; and the reasonable cost of counselling.

Corrective actions for the Employee or Representative found to have engaged in harassment may include: individual education on this Policy and the law, a reprimand, suspension, transfer, demotion, or dismissal.

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Privacy and Confidentiality

All parties to a harassment complaint are expected to respect the privacy and confidentiality of all other parties involved and to limit the discussion of a harassment complaint to those who need to know.

ILWU Local 500 Executive and all individuals involved in the harassment complaint process will comply with all requirements of privacy laws in order to protect personal information.

Retaliation

Any person who files a complaint under this Policy has the right to be protected from retaliation. If there is an allegation of retaliation after a complaint of harassment has been made, the alleged retaliation will be added to the original complaint. Whenever there is an allegation of retaliation, the process will automatically be moved to the Formal Resolution process.

Retaliation can include any post-complaint conduct intended to:

- discourage future complaints and/or
- act as punishment for making the complaint.

The Union shall make every effort when there is an allegation of retaliation that the complainant's right to fair representation and fair referral are not interfered with.

Human rights law explicitly prohibits retaliation. The *Canadian Human Rights Act* states that it is a discriminatory practice for a person against whom a complaint has been filed, or any person acting on their behalf, to retaliate or threaten retaliation against the individual who filed the complaint or the alleged victim.

Enquiries

Enquiries about this Policy and related procedures can be made to Local 500 Executive Board Members.

Review

As this is an evolving area ILWU Local 500 will review this Policy on an annual basis, or as required, and will make necessary adjustments to ensure that it meets the needs of all members.

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