

Harassment Prevention Policy for WUFA employees

(as revised by J. Renaud April 18, 2013)

Policy Title: **Harassment Prevention Policy for WUFA employees**

Commitment

The Employer, the University of Windsor Faculty Association (WUFA), is committed to the prevention of harassment in the workplace and will take whatever steps are reasonable to protect its employees from workplace harassment. WUFA and its employees are expected to uphold the WUFA Harassment Prevention Policy and work together to prevent workplace harassment.

Application:

This policy applies to all WUFA employees including part-time and casual and any persons acting on behalf of WUFA, wherever WUFA business is being conducted and at all WUFA organized events.

Definition

- Harassment is any behavior that demeans, humiliates, intimidates, threatens or embarrasses a person, and that a reasonable person should have known would be unwelcome. It includes actions, comments, or displays. It may be a single incident or continue over time.
- Workplace harassment means engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome.
- Workplace harassment may include bullying, unwelcome remarks including intimidating or offensive jokes or innuendos directed to or about the employee, displaying or circulating offensive pictures or materials, or offensive or intimidating phone calls.
- Workplace harassment does not include legitimate performance of management responsibilities and legitimate exercises of academic freedom.

Prohibited Behaviour:

- Workplace harassment as defined under Definitions above.
- Threats or Intimidation
- Derogatory or sexually explicit displays
- Unwanted physical contact or leering
- Blatant and intentional disregard for the safety others
- Retaliation or threats against anyone who has made a complaint or who has participated in an investigation under this Policy.

Workplace Specific Issues:

WUFA employees can be exposed to unstable, emotional or violent individuals in the workplace. They are also subject to a regular changeover in elected officials who may not be familiar with WUFA's workplace harassment policy. The employer agrees to do everything reasonable to ensure that members and elected officials are informed of and abide by the Harassment Prevention Policy.

Employers Responsibilities

It is the Employers' responsibility to inform and educate all employees, all bargaining unit members and elected officials regarding this policy. It is also the Employer's responsibility to initiate, conduct or arrange an investigation into an allegation of workplace harassment. The Employer must take all reasonable steps to prevent the unnecessary disclosure of the allegations during an investigation. It is also the Employer's responsibility to determine any appropriate corrective and/or disciplinary action.

Employees' Responsibilities

All employees are responsible for preventing and reporting any workplace harassment that threatens the work environment. Employees must cooperate with any investigation into an allegation during the investigation process.

All Employees have the responsibility to treat each other with respect and not engage in harassing behavior. All Employees are responsible for respecting the confidentiality of anyone involved in a harassment complaint.

Confidentiality

All discussions regarding a complaint under this policy shall remain confidential to the parties involved.

Agreement on Procedures

Employers and employees must work in compliance with this policy and the supporting program.

Cost of Complaint investigation

The employer agrees to incur the costs of an investigation, mediation or related processes engaged to resolve a complaint including the employee's legal fees if required in defense of the complaint, or failure of the employer to address the complaint.

Complaint and Investigation General Provisions

Step 1

Any employee who is subjected to, is a witness of, or has knowledge of, any incidents or threats of workplace harassment, is required to immediately report the incident to the WUFA President or, if the President is not available or is the subject of the harassment allegation, to the next most senior Executive member (VP Grievance, VP Internal, VP External or Treasurer, in that order). This Policy does not preclude an employee from directly informing the person(s) involved that s/he is not comfortable with the behaviour and want it to stop but only where s/he feels comfortable doing so and can do so safely.

This Policy also does not preclude a worker from contacting the Police where he or she feels it is appropriate and is not intended to discourage an employee from taking any steps he or she feels necessary in that regard.

Step 2

Investigation

If the Employee reports the incident and requests an investigation, the President or, if necessary as specified above, the next-in-line Designate (VP Grievance, VP Internal, VP External or Treasurer, in that order) will initiate an investigation into the allegations. The President or next-in-line designate will interview the Complainant and record the allegations in a written form.

The President or Designate will then inform the respondent of the allegations against him/her and give him/her an opportunity to respond in written or orally. If the respondent provides an oral response, the statement will be recorded in writing.

The President or Designate may also interview other employees or other witnesses if they agree to cooperate who have knowledge of the circumstances of the allegations and review any relevant documents, recordings or materials objects such as photos. All statements by witnesses will be recorded in written form.

Informal Resolution

If the Complainant requests and the respondent agrees, the employee (or his/her representative), the respondent (or his/her representative), and the President or Designate, may meet in an attempt to resolve the matter without going through actual mediation or a formal complaint.

Step 3

If there is no informal agreement, the President or Designate will determine whether the respondent has committed workplace harassment under the terms of this Policy based on the information collected in the investigation. If it is found that the respondent has committed workplace harassment, the President or Designate will report the findings to the WUFA Executive with recommendations for corrective or disciplinary action for a final decision. The Executive will then make its final decision.

The President or Designate will then meet with the Complainant and Respondent to inform each of them separately of the conclusion of the investigation and the Executive's decision, and to inform them of the corrective and disciplinary actions to be taken. Any corrective/disciplinary actions will be invoked immediately.

Interim Remedy pending Investigation

In circumstances where it is appropriate and reasonable, upon request of the complainant or on the initiative of the senior elected Executive official present, or in the absence of an elected executive official, a staff member who is present, either the respondent or the complainant (in rare cases) may be transferred or removed from the workplace without loss of pay, benefits or seniority, pending

completion of the full investigation. This is an extraordinary remedy which will only be provided where there is blatant evidence of harassment and an urgent need to redress the situation immediately. Prior to any action being taken, the senior elected executive official or, in the absence of an elected executive official, the Staff member present will ensure due consultation with the complainant and the respondent. Leave with full pay and without loss of benefits or seniority may also be available to the employee.

In some circumstances, it may be decided at any time by the President or the Executive that an external investigator is required to conduct the investigation, or extend the investigation further. The investigation will be conducted promptly and the report will be made available no later than two (2) calendar weeks after the investigation.

Corrective and Disciplinary Action

If the respondent who has been found to have engaged in prohibited behaviour is a WUFA employee s/he is subject to corrective and/or disciplinary action as deemed appropriate by the Executive, up to and including termination.

If the respondent who has been found to have engaged in prohibited behaviour is not an employee but is a WUFA member, WUFA Executive or Council Member or any other WUFA committee member, s/he is subject to disciplinary action by the Executive, which may include a request for his/her resignation and, if necessary, any other action deemed necessary to ensure a harassment free workplace for employees up to and including expulsion from the Faculty Association's membership

If the respondent is found not to have committed workplace harassment, all documents from the investigation will be shredded and no record of the allegation will be placed in the respondent's record or in any WUFA files.

Any of the following misconducts are also subject to disciplinary action:

- Retaliation against any employee for filing or supporting a complaint.
- Knowingly making a false allegation or testimony of workplace harassment
- Condoning workplace harassment by a supervisor.

[This policy has been recommended for approval by Faculty Council by WUFA's Executive Committee at their meeting on October 2, 2012. Council asked for legal advice on policy as presented above. This document was APPROVED by Council at the May 23, 2013 Council meeting.]