



POLICY STATEMENT On

HARASSMENT

The Yukon Federation of Labour takes seriously its responsibility to ensure that all Federation functions are free of harassment. Discrimination and harassment are against the law and are in violation of the CLC Constitution, and they are contrary to the union principal of solidarity.

Mutual respect must be the basis of interaction among trade unionists in addition to cooperation and understanding. The Yukon Federation of Labour will neither tolerate nor condone behaviour that is likely to undermine the dignity or self-esteem of an individual, or create an intimidating, hostile or offensive environment. Harassment in any manner will not be tolerated!

Over the past few years, Human Rights Commissions across the country have expanded definitions of harassment and have spread out the responsibility for preventing it. They have made it clear that sexual harassment includes physical touching, patting, leering, and verbal abuse, as well as demands for sex accompanied by threats. They have eliminated ignorance as a defense. Harassment is now regarded as any comment or action "that should reasonably be known to be unwelcome".

Recent rulings indicate that while employers are responsible for establishing a workplace free of harassment, unions will be held liable, along with the employer, if the union leadership is aware that harassment is occurring and does nothing to stop it. Many affiliates have adopted anti-harassment policies and negotiated grievance procedures to help resolve sexual harassment complaints quickly. But union activists must take steps to make sure that harassment complaints by all workers are supported. It takes work to make sure union policies against harassment have meaning.

While policies and grievances are effective, what is really needed is a change in attitudes. No matter how good the wording is, no policy, contract provision, or complaint procedure has meaning unless the leadership of the labour movement clearly and unequivocally opposes all forms of harassment including sexual harassment and harassment based on race religion, national origin, disability, or sexual orientation.

To end harassment we all have to take responsibility. Change will not occur without action by men, as well as women. But with cooperation and respect, we can change our workplaces, our unions, and our society so that all workers can achieve equality.

HARASSMENT

Harassment is not a joke. It is cruel and destructive behavior against others that can have devastating effects. It creates feelings of uneasiness, humiliation and discomfort.

It is an expression of perceived power and superiority by the harasser(s) over another person, usually for reasons over which the victim has little or no control: sex, race, age, creed, colour, marital status, sexual orientation, disability, political or religious affiliation, or place of national origin.

Harassment can be defined as any unwelcome action by any person, who is attending a Federation function, whether verbal or physical, on a single or repeated basis, which humiliates insults or degrades.

“Unwelcome” or “unwanted” in this context means any action which the harasser knows or ought reasonably to know is not desired by the victim of the harassment.

EXAMPLES OF SEXUAL HARASSMENT

Sexual Harassment is any unwanted attention of a sexual or gender specific nature including:

- ◆ *Remarks, jokes, teasing, “playful” banter, taunts about a person’s body, clothing, or gender.*
- ◆ *Insulting gestures and practical jokes of a sexual nature which cause awkwardness or embarrassment.*
- ◆ *Displaying pornographic pin-up pictures, graffiti, or other offensive material.*
- ◆ *Leering (suggestive staring).*
- ◆ *Refusing to talk to, or work with, someone because of his or her gender.*
- ◆ *Condescension or paternalism which undermines self-respect.*
- ◆ *Demands for sexual favours.*
- ◆ *Persistent, unwanted contact or attention after the end of a consensual relationship.*
- ◆ *Repeated flirtations, propositions.*
- ◆ *Inquiry about an individual’s sex life.*
- ◆ *Unnecessary physical contact such as touching, patting, or pinching.*
- ◆ *Physical assault.*
- ◆ *Retaliation.*

EXAMPLES OF RACIAL HARASSMENT

Racial harassment is any action, whether verbal or physical that expresses or promotes racial hatred, including:

- ◆ *Racial slurs, jokes, innuendos, teasing, or taunting about a person’s racial or ethnic background, colour, place of birth, citizenship, or ancestry.*
- ◆ *Displaying racist pictures, graffiti, or material.*
- ◆ *Refusing to talk to, or work with, someone because of his or her ethnic or racial background.*
- ◆ *Insulting gestures or practical jokes based on racial or ethnic grounds which cause embarrassment or awkwardness.*
- ◆ *Condescension or paternalism which undermines self-respect.*
- ◆ *Physical assault.*

- ◆ *Retaliation.*

EXAMPLES OF HARASSMENT OF PEOPLE WITH DISABILITIES

Any action, whether verbal or physical, intended to limit accessibility, or promote fear or hatred of persons with disabilities (including persons with HIV/AIDS). It can include:

- ◆ *Deliberately changing the environment of workers with visual disabilities.*
- ◆ *Mocking persons with hearing disabilities.*
- ◆ *Placing needed objects out of reach of persons with mobility disabilities.*
- ◆ *Remarks about "deficiencies".*
- ◆ *Condescending or paternalistic attitudes and behaviour.*
- ◆ *Sexual harassment of people with disabilities.*
- ◆ *Harassment of people with invisible disabilities (for example; back injuries).*

EXAMPLES OF HARASSMENT ON THE BASIS OF SEXUAL ORIENTATION

Harassment on the basis of sexual orientation is any action, whether verbal or physical that expresses or promotes hatred of homosexuality, lesbian, or bisexually, including:

- ◆ *Slurs, jokes, innuendos, teasing, or taunting about a person's sexual orientation.*
- ◆ *Displaying homophobic pictures, graffiti, or material.*
- ◆ *Refusing to talk to, or work with, someone because of his or her sexual orientation.*
- ◆ *Insulting gestures or practical jokes based on sexual orientation which cause embarrassment or awkwardness.*
- ◆ *Condescension or paternalism which undermines self-respect.*
- ◆ *Physical assault.*
- ◆ *Retaliation.*

RESOLUTION AND COMPLAINT PROCEDURE

At every YFL function, there shall be at least 2 people, one male and one female who will be designated as anti harassment representatives. The names of these representatives will be announced at the beginning of the function and their responsibility shall be to receive and investigate complaints with utmost confidentiality and expeditiously, with particular sensitivity for the complainant. It shall be noted that any matter dealing with harassment will be dealt with in a complete confidential manner and as such any breaches of this confidentiality will be dealt with immediately, appropriately and severely.

A person who believes that he or she is a victim of any form of harassment should take immediate remedial action.

Make it clear that you do not welcome the attention or offensive behaviour, either on your own (verbally or in writing), or via a third party. Warn him or her that if the behaviour continues, you will pursue the matter. (It may be that the individual is unaware that the behaviour is offensive).

The victim may seek out the designated Anti-Harassment Representative if he or she is unwilling to approach the harasser because of the impact the action(s) have on him or her.

If the inappropriate behaviour persists, ask the designated representative to intercede and act on your behalf.

The designated representative (with or without the complainant present) will advise the President of the Federation or his alternate as named of the problem.

The designated representative shall investigate the complaint by interviewing separately the complainant and the alleged harasser. If the problem cannot be resolved informally, the complainant will be asked to put the complaint in writing.

The written complaint will then be submitted to the President of the Federation who shall convene a meeting of the Executive Board. The complaint will be evaluated and investigated. If it is determined that the respondent's conduct is found to be in violation of this policy appropriate action will be taken which includes, but is not limited to, an apology, reprimand and expulsion. The principal officers of affiliated unions to which the parties are members shall be advised of all particulars. Should any member of the Executive Board, Council or the anti harassment representatives be the subject of the complaint, they shall be so removed from the investigation portion and will be a respondent in the matter.

Again, as a labour movement we stand proudly together when we claim that an injury to one is an injury to all. We must do all we can to ensure we treat our brothers and sisters with respect and dignity.