

ARTICLE 40

HUMAN RIGHTS

40.1 Statement of Purpose

The Company and the Union agree that there shall be no discrimination, interference, restriction or coercion permitted in the workplace with respect to race, nation or ethnic origin, color, religion, age, sex, marital status, family status, sexual orientation, disability or conviction for which a pardon has been granted.

40.2 Definition of Harassment

Harassment is any conduct that offends or humiliates whether or not it is based on any of the grounds listed in 40.01. Harassment will be considered to have taken place if it reasonably ought to have been known that the behavior was unwelcome or inappropriate in the workplace.

40.3 Harassment

Harassment may take many forms, including: threats, intimidation, verbal abuse, unwelcome remarks, innuendo, offensive and inappropriate material, hate literature, offensive jokes.

40.4 Sexual Harassment

Sexual harassment is any unsolicited and unwelcome conduct, comment, gesture or contact of a sexual nature that is likely to cause offence or humiliation or might be perceived as placing a condition of a sexual nature on conditions of employment, including any opportunity for training or promotion.

40.5 Sexual harassment may include but is not limited to: suggestive remarks, jokes, innuendos or taunting in a sexual context; unwarranted touching; leering; compromising invitations; displaying of pornographic or other offensive or derogatory pictures or material of a sexual nature; sexually degrading words used to describe a person or a group; derogatory or degrading words regarding gender or sexual orientation, or directed towards members of one sex or one's sexual orientation; sexual assault.

40.6 **Discrimination & Harassment Policy**

The Company and the Union recognize that harassment or sexual harassment is unacceptable behavior and will not be tolerated in the workplace. The Company has a Discrimination and Harassment Policy, which covers discrimination and harassment based on illegal grounds. Employees with questions may contact the Director, Employee Relations. Collect calls will be accepted.

40.7 **Handling of Complaints**

Discrimination or harassment complaints may be handled in several ways:

- Union handling;
 - Company handling through Collective Agreement investigation;
- or
- Company handling through other resolution mechanisms.

UNION HANDLING OF A COMPLAINT

40.8 When agreed to by the complainant, the Union Human Rights Representative will be afforded the opportunity to resolve a harassment or discrimination complaint. If requested by the Complainant or the Union Human Rights Representative, the Management Human Rights Representative may assist in the resolve under this process. Such complaints must be minor in nature and between two members of the bargaining unit. Complaints between bargaining unit members and managers may also be handled through this process, with the consent of both parties. The procedures set out below will be followed:

- a) The Union Human Rights Representative shall establish a confidential file concerning the complaint.
- b) All facts and files gathered relating to the harassment and/or discrimination complaint shall be considered strictly confidential and will be protected in a safe and private place.
- c) The outcome of this union handling shall be communicated to the

complainant. Success or failure only will be communicated to the appropriate Company officer and to Employee Relations. Communication to Employee Relations will be in the form of a completed intake sheet.

- d) If the complainant is satisfied with the resolution, the case will be closed and no further action will be taken.
- e) If the complainant is not satisfied with the resolution, the appropriate Company officer may require that other recourse be taken such as Company handling through Collective Agreement investigation or other resolution mechanisms.
- f) The complainant may at any time decide to withdraw from the union handling process and file a complaint with their manager.

COMPANY HANDLING OF A COMPLAINT

Collective Agreement Investigation

40.9 Should a formal investigation proceed under Article 27 of the Collective Agreement, the duly authorized representative (Local Chairperson) shall be advised of the Company's intent to conduct a confidential investigation with respect to an alleged harassment complaint. In addition, the duly authorized representative (Local Chairperson) shall be advised of the final outcome (success or failure only) of said investigation.

40.10 In investigations involving an allegation of harassment, Article 27 is modified as follows:

Replace Article 27.2 (a) through (e) with the following:

27.2 An employee is to be given a minimum advance written notice of 48 hours of an investigation when an investigation is to be held, and each employee whose presence is desired will be notified of the time, place and subject matter of the investigation. In addition, the Human Rights Representatives will also be copied on such notice. At the request of the Human Rights Representatives and upon concurrence, the advance notice of 48 hours may be reduced.

An employee is not to be held out of service unnecessarily in connection with an investigation, but where necessary, the time

so held out of service shall not exceed five working days and s/he will be notified in writing of the charges against him/her.

In the case of an investigation being conducted as a result of an allegation of harassment, the Human Rights Representatives shall be the only duly authorized representatives present at any and/or all statements taken in the course of such investigation. (Local Chairperson to be advised).

All known existing evidence to be used in the investigation, such as copies of statements, stenographic reports, and all other evidence taken shall be furnished to the employee and the Union Human Rights Representatives at the commencement of the statement.

In order to maintain the strictest of confidentiality, all known evidence used in the investigation, including, but not limited to: copies of statements, stenographic reports and all other evidence shall be returned to the Investigating Officer upon the completion or adjournment of the taking of the statement, until such time, if any, that discipline is issued against the employee(s) being investigated.

At such time as any discipline, if any, is assessed, all evidence used in the investigation, including, but not limited to: copies of statements, stenographic reports and all other evidence shall be furnished to the President for the express purpose of the Union's required consideration in regard to the possible processing of a grievance on behalf of the employee(s) so disciplined, at Step 2 of the grievance procedure. (Local Chairperson to be advised).

Other Resolution Mechanisms

40.11 The Company may resolve complaints through means other than Collective

Agreement Investigation, e.g. mediation, education, counseling, group intervention, etc. While during this process, it may be necessary for the Company to talk to any employees including the complainant, accused or any witnesses, said employees will be provided with the opportunity to have a union human rights representative present. Prior to commencing

any action, the President of the Union and Employee Relations will be notified that a complaint is being handled in this manner. They will also be notified of the outcome.