

CUPE Local 1004



RESPECTFUL WORKPLACE POLICY

PURPOSE

The purpose of the CUPE Local 1004 Respectful Workplace Policy (the "Policy") is to:

1. Promote and maintain a respectful work environment that is free from discrimination, and bullying and harassment;
2. Set out the types of behaviours that may breach this policy; and
3. Outline procedures for reporting and addressing breaches of the policy should it occur.

POLICY STATEMENT

1. CUPE Local 1004 is committed to providing an inclusive, welcoming, and respectful work environment free from discrimination, and bullying and harassment. CUPE Local 1004 believes that everyone has the right to work in a professional atmosphere that promotes mutual respect, cooperation, and understanding among coworkers and the employer.
2. Discrimination, bullying and harassment will not be tolerated. CUPE Local 1004 encourages reporting of all such behaviour regardless of who the offender may be. All reported or suspected occurrences of such behaviour will be addressed and, if necessary, investigated in an impartial and timely manner.
3. Breaches of this policy may result in disciplinary action up to and including suspension without pay or dismissal from position.

SCOPE

1. This policy applies to all CUPE Local 1004 staff, officers, board and committee members, contractors, and consultants arising out of and in relation to CUPE Local 1004's activities as an employer. However, this policy only applies to actions that impact an employee of CUPE Local 1004. It does not apply to complaints of misconduct allegedly suffered by Executive Board members, who are not employees. For greater certainty, it does not apply to internal union business issues or complaints, including member complaints against other members, stewards, Executive Board members, or the Local or its representatives, which fall within the scope of the National Trial Procedure policy. CUPE Local 1004 also has a Code of Conduct applicable to conduct between members.
2. This policy applies to all interactions conducted in-person, in writing, by telephone, by email and through social media in any work-related environment, including:
 - a. CUPE Local 1004 office;
 - b. Any other location where activities of CUPE Local 1004 are being carried out;
 - c. Official and unofficial work-related social functions;
 - d. Work-related conferences or training sessions; and
 - e. Work-related travel.
3. This policy also applies to all email, phone, text, internet and social media communications and interactions that may have an impact in or relate to the workplace. Off duty conduct, which has an impact in the workplace may be subject to this policy.

4. These procedures will be reviewed annually.
5. All workers will be provided with a copy as soon as they are hired, and copies will be available on the CUPE Local 1004 website.

DEFINITIONS

“Board and Committee Members” are members of the CUPE Local 1004 Executive Board and its respective committees.

“Bullying and Harassment” includes any inappropriate conduct or comment by a person towards anyone that the person knew or reasonably ought to have known would cause the other person to be humiliated or intimidated, but excludes any reasonable action taken by an employer or supervisor relating to the management and direction of workers or the place of employment.

Examples of conduct that may constitute bullying and harassment include:

1. Ostracism (i.e. deliberately excluding a person from work-related social interaction);
2. Words, gestures, and actions, the natural consequence of which is to humiliate, undermine, demean, ridicule, or insult;
3. Unwelcome attention of a sexual nature;
4. Unwelcome physical touching;
5. Threats and intimidation;
6. Aggressive or intimidating shouting;
7. Abusive use of profane language; and
8. Persistent rudeness and patronizing behaviour.

Examples of employer actions that are not bullying and harassment include:

1. Providing critical feedback or direction where warranted;
2. Measures to correct performance deficiencies, such as giving warnings or placing someone on a performance improvement plan;
3. Imposing discipline for workplace infractions; and
4. Requesting medical documents or other evidence in support of an absence from work.

Bullying and harassment also does not include normal workplace disagreements that may occur between individuals or differences of opinion between co-workers.

“Complaint” is a complaint pursuant to this policy.

“Complaint Process” is the process for dealing with complaints pursuant to this policy.

“Discrimination” is differential treatment on the basis of race, colour, ancestry, place of origin, political belief, religion, marital status, family status, physical or mental disability, sex, sexual orientation, gender identity or expression, age, or criminal or summary conviction that is

unrelated to the employment or to the intended employment of the person or any other ground protected under the BC Human Rights Code. It includes harassment motivated by these factors.

“Officers” President, Recording Secretary, Secretary-Treasurer, Vice-President, Diversity Representative, and Lead Stewards.

“Retaliation” is any adverse action taken against an individual for invoking this policy in good faith or participating or cooperating in any investigation under this policy.

“Staff” are individuals employed by CUPE Local 1004.

EXPECTED STANDARDS OF CONDUCT

1. All CUPE Local 1004 staff, officers, board and committee members, contractors, and consultants have a responsibility to follow this policy and are expected to promote and maintain a respectful work environment free of bullying and harassment or discrimination by:
 - a. Conducting themselves in a manner that demonstrates professional conduct, respect for others, and that honours diversity and inclusion in the workplace.
 - b. Reporting any behaviour that may be in violation of this policy to the Chair of the Staff Relations Committee of CUPE Local 1004.
 - c. Participating fully and in good faith in the complaint process under this policy, including respecting confidentiality of the process.
2. Bullying and harassment, discrimination, and retaliation are prohibited.

ROLES AND RESPONSIBILITIES

1. The Executive Board of CUPE Local 1004 is responsible for approving and reviewing this policy.
2. The President and the Staff Relations Committee of CUPE Local 1004 are responsible for the oversight and management of respectful workplace practices at CUPE Local 1004. The Chair of the Staff Relations Committee shall be the person responsible for receiving complaints and ensuring they are addressed, including designating an internal or third-party mediator or investigator if appropriate, except where the Chair is the respondent, in which case the President will be responsible.
3. All CUPE Local 1004 staff, Executive Board members, including the Staff Relations Committee, contractors, and consultants are responsible for following this policy to ensure that the work environment is free from discrimination, bullying and harassment.
4. Persons who witness bullying and harassment or discrimination should report it unless they believe the victim will be doing so.

CONFIDENTIALITY

1. To protect the interests of everyone involved, confidentiality will be maintained

throughout the complaint process to the extent possible. All information relating to a complaint (including contents of meetings, interviews, etc.) will be disclosed only to the extent necessary to carry out the procedures under this policy or as required by law. However, it is important to note that in order to allow a person accused of a breach of this policy to fairly respond to a complaint, details of the complaint, which may include disclosure of the name of the complainant and full complaint details and/or the complaint form, will usually be disclosed to the respondent.

2. All CUPE Local 1004 staff, officers, board and committee members, contractors, and consultants are expected to respect and preserve the confidentiality of all complaints and complaint processes. This includes refraining from discussions or releasing information in any form except for the purpose of compliance with this policy or as required by law. Failure to maintain confidentiality may result in disciplinary action up to and including termination of employment.
3. Any third party retained to mediate or investigate a complaint under this policy is subject to the confidentiality provisions of this policy except to the extent necessary to carry out procedures under this policy or where disclosure is required by law.
4. Information collected and retained pursuant to this policy is subject to the Personal Information Protection Act, SBC 2003, c. 63.

NO RETALIATION

CUPE Local 1004 will not tolerate retaliation in any form against anyone who invokes this policy or participates in an investigation. Any form of retaliation will be considered a violation of this policy and may result in disciplinary action including dismissal, termination of employment, voluntary resignation, or dismissal from position via the CUPE National Trial Process.

FALSE COMPLAINTS

Any person who makes a complaint under this policy that they know is untrue may be subject to discipline up to and including dismissal from a position via the CUPE National Trial Process or termination of employment.

COMPLAINT PROCESS

1. A person who considers that they, or someone else, has been subjected to bullying and harassment or discrimination should follow the complaint process set out in Appendix "I" of this policy.
2. Members of BC Union Workers' Union may submit a complaint pursuant to Article 13 of the collective agreement between CUPE Local 1004 and BCUWU instead of a complaint pursuant to this policy.
3. Members of Canadian Office and Professional Employees Union, Local 378 (MoveUP) will submit a complaint pursuant to the complaint process outlined in Article 20.03 of the collective agreement between CUPE Local 1004 and Canadian Office and Professional Employee Union, Local 378 (MoveUP).

OTHER REMEDIES

This policy is in addition to, and not in substitution for, any rights individuals may have under the BC Human Rights Code or the applicable collective agreement. However, complainants are encouraged to make a complaint under this policy before pursuing other remedies.

APPENDIX "I" COMPLAINT PROCESS

A person may pursue a complaint regarding a breach of this policy as follows:

Communicating with Respondent (Self-Help):

A person who considers that they, or someone else, has been subjected to bullying and harassment or discrimination is encouraged to:

1. Bring the matter to the attention of the person responsible for the conduct, advise them in a reasonable and appropriate manner that their behaviour is inappropriate, and ask them to stop, where it is reasonable to do so.
2. Document all the relevant facts (date, time, location, circumstances, witnesses, copies of texts, etc.).

Informal Resolution:

If a person is not comfortable bringing the matter directly to the attention of the person whose behaviour is at issue or where such an approach is attempted and does not produce a satisfactory result, the person may seek informal resolution assistance from the Chair of the CUPE Local 1004 Staff Relations Committee or, if the conduct of the Chair of the CUPE Local 1004 Staff Relations Committee is at issue, from the President of CUPE Local 1004 to address the complaint informally. Under informal resolution, the Chair may take appropriate action to resolve the matter, including any one or more of the following:

1. Speaking with the person(s) whose behaviour is at issue;
2. Facilitating communication and resolution between the persons involved; and
3. Attempting to mediate a resolution to the complaint, or retaining a third party to attempt to mediate a resolution to the matter.

Formal Complaint:

If the complainant does not wish to participate in Informal Resolution, or efforts at Informal Resolution have failed, a formal complaint may be made in writing using the CUPE Local 1004 Respectful Workplace Policy complaint form available at the CUPE Local 1004 office and submitting it to the Chair of the CUPE Local 1004 Staff Relations Committee or the President of CUPE Local 1004 if the Chair of the CUPE Local 1004 Staff Relations Committee is the respondent. The CUPE Local 1004 Staff Relations Committee will arrange to investigate the complaint, and may appoint an officer to do the investigation or retain a third party to conduct the investigation and issue findings of fact. The affected parties will be advised of the results of the investigation and CUPE Local 1004 will take appropriate action to remedy any discrimination, bullying and harassment found to have occurred, including imposing discipline if appropriate. In some cases, interim measures to protect a complainant may be imposed pending the outcome of the investigation.

The investigation may include but is not limited to the following steps:

1. Interviewing the complainant and respondent to ascertain all of the facts and circumstances relevant to the complaint, including dates and locations;

2. Interviewing witnesses, if any;
 3. Reviewing any related documentation; and
 4. Making notes of the investigation and maintaining them in a confidential file.
- Investigation procedures will be adapted to suit the particular complaint.