



## **HEU POLICY DESIGNED TO PROTECT HUMAN RIGHTS, PREVENT BULLYING AND ENCOURAGE MUTUAL RESPECT**

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Mutual respect must be the basis of interaction among members and staff of the Hospital Employees' Union at all times, but particularly at HEU Conventions, HEU Conferences and other HEU sponsored events and in day to day interaction between members and staff. The Hospital Employees' Union will neither tolerate nor condone behaviour that is likely to undermine the dignity or human rights of an individual either during working sessions or during social activities.

In order to ensure an environment that is supportive of mutual respect and fair treatment, the Provincial Executive has established the following policy and procedure. It defines what is unacceptable behaviour and sets out a complaint procedure to effectively deal with violations of the policy.

Protecting the human rights, prevent bullying and encouraging mutual respect of our sisters and brothers is fundamental in ensuring a strong and united Union. This policy enshrines the anti bullying and harassment protections of the Workers Compensation Act and OH&S policies and the anti-discrimination protections of the BC Human Rights Code.

Under the Workers Compensation Act, bullying and harassment includes any inappropriate conduct or comment by a person towards a worker (includes a member at an HEU event) that the person knew or reasonably ought to have known would cause that person to be humiliated or intimidated.

Under the BC Human Rights Code discrimination is prohibited on the following grounds: race, ancestry, colour, place of origin, political belief, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, physical or mental disability, and conviction for which a pardon has been granted.

Harassment based on the grounds includes:

- verbal abuse or threat;***
- unwelcome remarks, jokes, innuendos or taunting about a person's body, attire, age, marital status, ethnic or national origin, religion, sex, gender etc.***
- displaying of pornographic, racist or other offensive or derogatory pictures;***
- practical jokes which cause awkwardness or embarrassment;***
- unwelcome invitations or other requests, whether indirect or explicit, or intimidation;***
- leering or other gestures;***
- condescension or paternalism which undermines self-respect;***
- unnecessary physical contact such as touching, patting, pinching, punching;***
- physical assault***

## **POLICY & PROCEDURE**

**NOTE:** This policy applies to HEU members and HEU staff during HEU Conventions, HEU conferences, and other HEU-sponsored events.

This policy applies to day to day interactions between HEU members and HEU staff.

This policy does not apply to HEU members in the workplace (please refer to your Collective Agreement for provisions that apply to HEU members).

This policy is supplementary to and does not supersede the parties' obligations under the HEU/PEA-HESU Chapter Collective Agreement or under the HEU Constitution and By-Laws.

### **Scope**

The underlying goal of this policy is to protect human rights, eliminate bullying and encourage mutual respect at all times. The underlying approach is a problem solving one to resolve disputes in a mutually satisfactory manner.

### **Procedures**

Any HEU member or HEU staff member at a Union-sponsored event who believes that she/he has been subjected to behaviour that is discriminatory or bullying and harassing contrary to this policy may access this procedure.

Confidentiality is a vital part of this process. It is a requirement of this policy that all parties respect the confidentiality of the process.

A complainant, respondent or a witness who is part of this process is exercising her/his legitimate rights. It is a serious violation of this policy if there is any retaliation against a complainant, respondent, or a witness for having initiated or participated in a complaint.

### **First Step: Direct Discussion**

Where the complainant feels safe she/he can discuss their concern directly with the person (the respondent) in an effort to resolve the concern.

### **Second Step: Informal Complaint**

If the complainant does not believe that the matter has been satisfactorily resolved through direct discussion or the First Step did not occur, she/he may contact the Ombudsperson to make an informal complaint. The Ombudsperson shall advise the complainant of the merits of the complaint and possible courses of action. All discussions are without prejudice and will be treated with complete confidentiality.

### **Third Step: Mediation**

If the complainant and the Ombudsperson believe that the matter can be satisfactorily resolved through mediation the Ombudsperson shall contact the respondent regarding the possibility of mediating the matter. All discussions in mediation are without prejudice and will be treated with complete confidentiality.

### **Fourth Step: Formal Complaint**

If the matter does not proceed to mediation or is not resolved at mediation the complainant may file a formal complaint to the Complaints Investigator in writing outlining the details of the alleged violation of HEU's policy to protect human rights, prevent bullying and encourage mutual respect. This complaint should be filed within six (6) months of the most recent incident(s) giving rise to the complaint. Upon receipt of the formal complaint, the Complaints Investigator shall notify the respondent in writing within fourteen (14) days.

The Complaints Investigator shall meet with the complainant and respondent as expeditiously as possible to hear and investigate the complaint. The Complaints Investigator may make an effort to achieve a resolution of the complaint at any time. Both parties are entitled to be accompanied by representatives and are entitled to call witnesses.

Within sixty (60) days of the conclusion of the investigation the Complainants Investigator shall report on the results of the investigation, including any recommendations for action. The recommendation(s) will not include discipline.

The Complaints Investigator shall forward a copy of the report to the complainant, the respondent and the Administrative Committee. If appropriate, the Administrative Committee will forward the report to the Provincial Executive.

The Provincial Executive will take such action that it considers necessary to uphold the HEU policy designed to protect human rights and encourage mutual respect.

**Please Note:** Allegations of violations of this policy are treated very seriously. There is a requirement for Provincial Executive members and staff to report allegations of a violation of this policy to the Co-ordinator of Human Resources or her/his designate.

The Provincial Executive has, by motion, made it clear that HEU considers serious violations of this policy are covered by Article 19 (Emergency Suspension and Expenses) of the HEU Constitution and By-Laws.

*Revised April 19, 2018*