

What are my rights?

If you are experiencing harassment in the workplace, you may be suffering from stress, anxiety, uncertainty, sadness, anger or fear. Your Union representatives understand these feelings, and are here to support you.

At CUPE 3902, we take harassment very seriously. **Article 4** of each of our five Collective Agreements (Units 1, 2, 3, 4 & 5) prohibits discrimination and harassment in the workplace. In addition, we have protections against Bullying and Personal Harassment in each Agreement: see Article 5 (Unit 1), Article 4.02 (Unit 2), Article 30 (Unit 3), Article 4.05 (Unit 4) and Article 4.02 (Unit 5).

Your 'workplace' includes the University's premises (all campuses) and any location at which you engage in your employment duties.

As Union members, when we see abusive conduct, or hear threatening language in our departments, we can call upon our Union to help us address the issue, or to demand action from the administration.

We all take part in ending harassment when we begin to recognize and confront it. Everyone has a right to respect and dignity, and as union members we can act to support each other by refusing to ignore harassment and violence in our workplace.

What to do if you experience harassment

Harassment should not be ignored. If you feel unsure of how to address harassment you are experiencing, contact a CUPE 3902 representative or your department steward. They can help you take action.

Keep a record of what happened. Make note of the time(s) and date(s) of the incident(s), where they occurred and who was present. Include any resulting problems – headaches, depression, anxiety, related medical appointments, etc.

And remember:

- you have the RIGHT to speak with your Union representative
- you will be treated with RESPECT, and we will treat your matter as confidential
- YOU guide the process - we will not act on your behalf without your permission
- you are PROTECTED against retaliation for filing a grievance or speaking with us



Do I have the right to file a grievance?

If you suffer harassment in the workplace, you may file a grievance within the relevant time period (i.e., normally 40 working days, but longer in the event of sexual harassment). The Union will write a letter on your behalf to the 'Employer' (the relevant department), identifying which sections of the Collective Agreement we believe have been violated, and suggesting an appropriate remedy.

Remedies include action by the University to address the harassment, the arrangement of an alternate work assignment if appropriate, monetary settlement, etc.

After a letter has been written, it is followed up with a series of meetings between the Union and the Employer. These meetings often lead to a resolution that both the Employer and the Union/grievor accept.

If the grievance is not resolved after a set number of meetings, it may be referred to a neutral, third-party arbitrator, who will make a decision about whether the grievance is valid, and how it should be resolved.

If you decide to file a grievance, you will have the Union's support throughout the entire process. The Union will draft all necessary documents, help you understand and meet the relevant deadlines at different stages of the process, and attend meetings with you.

What is harassment?

'Harassment' is a form of discrimination prohibited by the Ontario Human Rights Code and the five Collective Agreements between CUPE 3902 and UofT. In addition, the Occupational Health and Safety Act has recently been amended to prohibit harassment and violence in the workplace.

Harassment is typically defined as involving behaviour directed toward one or more persons that is improper or abusive, and/or unwelcome or unwanted, which any reasonable person knows, or ought to know, is not desired by the recipient of that behaviour. The law addresses the impact felt by the victim, NOT the harasser's intent.

For example, unwelcome threats, remarks, physical conduct, 'jokes,' innuendoes, taunts regarding a person's race, background, sex, or sexual orientation are all forms of harassment. These are aimed at embarrassing, intimidating, and diminishing the victim. Exposure to such conduct negatively interferes with a person's working conditions by exposing them to a hostile or frightening environment.

The harasser may be a classmate, a student, a faculty supervisor, a co-worker, etc. When this behaviour takes place where we work and study at U of T, our Union can offer advice, support, and legal methods of redress and resolution.

Who is here to help?

The first place to go is your Department Steward or the Grievance Steward for your division. Contact information for Stewards can be found on our website at: www.cupe3902.org

You can also contact the **Grievance Officer** directly at **416-572-0183** or go to go@cupe3902.org or e-mail the **Staff Reps** at rep@cupe3902.org or sr@cupe3902.org.

Your inquiry will be held in strict confidence unless you decide to pursue a formal complaint, and then will be treated as confidential by the Union and the Employer (your hiring department/program).

In the case of sexual harassment, the Union can also help you lodge a complaint through the process established in the University's Sexual Harassment Policy, and can accompany you to meetings throughout the process.

For general information, contact the CUPE 3902 office:
www.cupe3902.org 416-593-7057

or drop by our office:
180 Bloor St. W. Suite 803
(across from the ROM Crystal)



The Education Workers' Guide to Harassment



at the
University
of
Toronto

