

## **LOCAL UNION POLICY AGAINST SEXUAL HARASSMENT**

[For Local Unions in Canada]

IBEW Local 2330 does not tolerate sexual harassment of any type. Sexual harassment is unlawful and exposes our Local Union and any individuals involved in such conduct to significant legal liability. The Local Union expects its employees and members to treat each other, members of the public, vendors, and contractors with respect and dignity. Sexual harassment not only hurts the victim, but it also erodes union solidarity. The Local Union is therefore committed to the vigorous enforcement of this policy against sexual harassment. Local Union employees who engage in sexual harassment will be disciplined. Sexual harassment by a Local Union member is unacceptable.

### **What is Sexual Harassment?**

**Harassment** is any behavior that demeans, humiliates, or embarrasses a person, and that a reasonable person should have known would be unwelcome. It includes action (for example, touching, pushing, etc.), comments (for example, jokes, name-calling, etc.), or displays (for example, posters, photographs, cartoons, etc.).

**Sexual harassment** includes offensive or humiliating behavior that is related to a person's sex, as well as behavior of a sexual nature that creates an intimidating, hostile, or "poisoned" work environment, or that could reasonably be thought to put sexual conditions on a person's job or employment opportunities. Sexual harassment includes:

- unwelcome sexual advances;
- unwelcome requests to engage in sexual conduct; and
- unwelcome verbal or physical conduct of a sexual nature when:

1. submission to such conduct is made explicitly or implicitly a term or condition of obtaining or continuing an employment or membership benefit;

2. submission to or rejection of such conduct by an individual is the basis for employment or membership decisions adversely affecting such individual; or

3. such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive work environment.

Sexual harassment may include intentional physical conduct that is sexual in nature, such as touching, pinching, patting; non-physical conduct, such as leering or staring in a suggestive manner; sexually-oriented gestures, noises, remarks, jokes, or comments about a person's sexuality, sexual experience, or appearance; suggesting that a person is not suited for a particular job because of his or her gender; and displaying pictures, posters, calendars, graffiti, objects, reading materials, or other materials that are sexually suggestive, sexually demeaning, or pornographic.

Sexual harassment does not include consensual banter or relationships (as long as the consensual banter or relationships are not of such a nature that they "poison" the work environment for other

persons). Sexual relationships between individuals in superior/subordinate workplace relationships should be avoided.

### **Getting Help for Sexual Harassment**

**It is strongly recommended that, *if the victim is able to do so*, the victim of sexual harassment immediately and clearly tell his or her harasser that the conduct is inappropriate, unwelcome, and should stop – which may end the harassment. In addition, the victim should report the harassment as set forth below.**

**Any individual accused of sexual harassment should not play any role in administering or making decisions under this policy.**

**I. Local Union Employees** – Local Union employees, including any supervisor who witnesses sexual harassment, should submit sexual harassment complaints to the Local Union Business Manager, or, if the complaint is against the Business Manager, to the Local Union President or a member of the Executive Board. Complaints may be made orally or in writing. Sexual harassment complaints will be promptly and thoroughly investigated by the Business Manager, the Executive Board, or someone designated by either, and a determination of the facts will be made. The person accused of sexual harassment has the right to be informed of the complaint and to respond to the allegations. The individual asserting the complaint and the accused each have the right both to have a person of their choice accompany them through the investigatory process and to receive fair treatment throughout the process. Complaints and information obtained during the course of the investigation shall be kept confidential, except to the extent disclosure is necessary to investigate and resolve the complaint, or as necessary to respond to claims in a legal proceeding before a court or an administrative agency. After the investigation, any Local Union officer, employee, or member found to have committed sexual harassment will be reprimanded and/or disciplined. In addition to reprimand and/or discipline, the offender may be required to attend sexual harassment training. The nature of the reprimand and/or discipline imposed will depend on the nature and severity of the misconduct, and may include discharge of an employee.

**II. Local Union Members<sup>1\*</sup>** – Local Union members may encounter sexual harassment on the job, during JATC training, or during Local Union functions. The options available to a member for seeking help depend upon where the harassment occurs.

#### **A. Sexual Harassment on the Job:**

The **employer** is legally responsible for providing a workplace free of sexual (and other) harassment. If sexual harassment is encountered on the job, a remedy should be pursued from the employer.

- 1. Inform the employer** – The employee should find out if the employer has a policy against sexual harassment, and if so, obtain a copy of the policy. If the policy contains a

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<sup>1\*</sup> IBEW Local 2330 recognizes its legal obligation to represent all employees in a collective bargaining unit in their employment relationship, regardless of whether they are Local Union members, and will vigorously represent all bargaining unit members who encounter sexual harassment at their workplace, whether or not they are Local Union members.

complaint process, the employee should follow that process to report the harassment to the employer. If the employer has a harassment complaint process, failure to inform the employer about the harassment may result in a waiver of any legal right the employee may have to seek damages resulting from the harassment. Even if the employer does not have a formal complaint process, the employee should advise his or her supervisor or other employer representative of the harassment.

2. **Inform the Job Steward or other Local Union representative** – The employee may either ask the job steward to try to resolve the problem informally, or the employee may file a grievance against the employer, if appropriate.
3. **APPRENTICES – Inform the JATC** – An apprentice who encounters sexual harassment on the job, in addition to informing the employer and the job steward, should inform the JATC director. The JATC director, in accordance with the JATC's policy against sexual harassment, should ensure that the employer takes appropriate action to address the apprentice's sexual harassment claims.

#### **B. Sexual Harassment during JATC Training:**

Apprentices and other Local Union members may encounter sexual harassment during JATC training. Complaints of sexual harassment during JATC training should be made to the JATC director or, if another individual has been appointed to receive sexual harassment complaints, the harassment should be reported to the designated individual. For additional guidance, see the JATC's policy against sexual harassment.

#### **C. Sexual Harassment during Local Union Functions:**

A member may encounter sexual harassment during a Local Union function, such as a membership meeting or a social function.

1. If the alleged harasser is a fellow Local Union member, the victim may either:
  - (a) Seek an informal resolution of the harassment, by reporting the harassment to the Business Manager, or, if the complaint is against the Business Manager, to the Local Union President or a member of the Executive Board. In such cases, the Business Manager, or the Executive Board, or someone designated by either, will promptly and thoroughly investigate the sexual harassment complaint, and make a determination of the facts. The complaint and information obtained during the course of the investigation shall be kept confidential except to the extent disclosure is necessary to investigate and seek to resolve the complaint or as necessary to respond to claims in a legal proceeding before a court or an administrative agency. If it is found that sexual harassment has occurred, the Business Manager, Executive Board, or other designated agent shall take appropriate steps to stop the harassment and will report to the victim the steps that have been taken; or
  - (b) File internal union charges against the harasser under IBEW Constitution Article XXV, alleging the violation of this policy, following the procedures and deadlines set forth in Article XXV.

2. If the alleged harasser is a Local Union employee, the victim should report the harassment to the Business Manager, or, if the complaint is against the Business Manager, to the Local Union President or a member of the Executive Board. In such cases, the Business Manager or the Executive Board, or someone designated by either, will promptly and thoroughly investigate the sexual harassment complaint, and make a determination of the facts. The person accused of sexual harassment has the right to be informed of the complaint and to respond to the allegations. The individual asserting the complaint and the accused each have the right both to have a person of their choice accompany them through the investigatory process and to receive fair treatment throughout the process. The complaint and information obtained during the course of the investigation shall be kept confidential except to the extent disclosure is necessary to investigate and resolve the complaint or as necessary to respond to claims in a legal proceeding before a court or an administrative agency. If after the investigation, a Local Union employee is found to have committed sexual harassment, he or she will be reprimanded and/or disciplined. In addition to reprimand and/or discipline, the offender may be required to attend sexual harassment training. The nature of the reprimand and/or discipline imposed will depend on the nature and severity of the misconduct and may include discharge.

### **Retaliation Prohibited**

Retaliation against Local Union members or employees who have reported or cooperated in an investigation of alleged sexual harassment is strictly forbidden. Retaliation in violation of this policy by a Local Union employee may result in discipline up to, and including, discharge. Retaliation in violation of this policy by a Local Union officer or member may result in discipline pursuant to internal union charges. All individuals involved in the investigation of a complaint must be treated in a professional and respectful manner.

If needed you can contact James, our Local Union Officer at: (709)631-8236  
or you can email at: [jmartin@ibew.nf.ca](mailto:jmartin@ibew.nf.ca)

This policy has been adopted by IBEW Local 2330 effective

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