

Member-To-Member Harassment: What To Do

How do we deal with and educate some of our members who are less than perfect people? What are our legal or moral obligations? Our union foundation is that we are unity of all workers.

We know what to do when a member of management harasses a member. We implement the employer's harassment Policy, cite OH&S, Saskatchewan Human Rights Code or even the Collective Agreement as a means to resolve the issue. But, it is more difficult when a member harasses another member. We were raised in the union movement to feel it is wrong for the union to "turn in" a member to management. We also don't like the idea of management "disciplining" workers, as if we were children. We are taught that our role is to defend workers from management's discipline.

We were raised to stay united and to stay strong. We know we need unity to challenge the employer. But what happens if one section of our membership feels the union won't protect them, even from other workers? Our unity is in danger. We know it is not the victims of harassment who are endangering our unity. Therefore, when a member comes to the steward to complain about another union member the steward has an obligation to do something. Why?

- First of all SGEU is opposed to harassment of any kind, and especially racial, personal or sexual harassment. We believe in equality and unity.
- Second: The employer has an obligation under law to provide a safe and healthy workplace. The law says that this obligation includes providing a workplace free from racial, sexual, personal harassment and free from the fear of violence. The employer has the obligation to enforce rules and make discipline to keep the workplace free from intimidation and harassment. They have an obligation to make sure everyone knows that racial and sexual harassment is illegal and won't be tolerated. They also have an obligation to provide education so that all workers know what constitutes harassment.
- Third: The Union has an obligation to represent all the workers. If the employer is failing to abide by their Harassment Policy, OH&S Act, Sask. Human Rights Code or the CBA regulations we file a grievance, to **MAKE THEM OBEY THE LAW**. If some workers don't want to obey the law we sometimes have to do this.

Here is an example of where we make our members obey the law. How often do we have the case where the boss lets workers remove safety guards so they can work faster, even if they endanger themselves? If the steward or a member of the OH&S committee is aware of this, they must insist on the guards being in place in order to protect the workers from themselves. Sometimes those members get mad at us. So, legally if a worker comes to us with a complaint of sexual, racial, personal or any other kind of harassment, then our obligation (beside the our obligation to help a member) is to **make the employer live up to their responsibilities under the law, to provide a safe workplace**.

What To Say to an Respondent

As a steward, it is important to speak seriously to an alleged respondent and to let him/her know—if he/she admits to the behavior—that the behavior must stop immediately. Bring sensitivity to your discussion with the respondent. He/she may not have intended to offend and may be shocked and hurt to hear of the allegation. Whether you are a union representative or a designated handler of harassment complaints, it may be important to follow the following suggestions:

- Be serious and stick to the point.
- Let the alleged offender know what the purpose of the meeting is: "This meeting is to talk about an allegation of harassment."
- What matters is not the intent, but the behavior of the alleged offender.
- Ask the alleged offender to respond to each allegation separately.

- Tell him/her that sexual, racial or personal harassment is against the law and will not be tolerated at work. If he is engaging in harassing behavior it has to stop—such behavior is wrong.
- A steward can tell a offender that the Union may not be able to support him if he/she continues the behavior which is in violation of union code of conduct and other statutes.
- In some cases it might be appropriate to suggest that the offender attend education or counseling sessions. This could be made a requirement of his continued employment.

Should the Union “turn in” the respondent to management?

We would of course like to avoid this. We would like for the respondent to admit what they were doing is wrong and apologize to the other union member. We would hope that this would settle the issue. The respondent would have to know that any repeat offenses would force the union to demand management take action to protect the victim. This approach of course depends on many things. How severe has the harassment been, is violence or threatened violence involved, how long has this been going on, is the victim willing to go along with this solution.

In this regard we should never make the victim the villain. This can happen if people start putting pressure on the victim not to “press charges.” You know, “Oh don’t say anything or poor Pete will get in trouble, etc.” Poor old Pete is a grownup and if guilty must pay. We should also reject solutions that make the victim pay. Just as when a foreman is found guilty of sexual harassment we reject solutions that make the victim transfer to another department or shift, we should reject such solutions when the case involves member to member harassment. Make the offender suffer not the victim.

There may be a time when the only solution is to make the employer take action against the respondent. If the offender refuses to stop harassing, or if the actions were such that the other worker feels threatened, then “turning in” the respondent may be the only solution. In doing this we are defending a union member and defending the unity of our Union.

