



# Equity Statement and Human Rights Policy

## HEU EQUITY STATEMENT

Union solidarity is based on the principle that union members are equal and deserve mutual respect at all levels. Any behaviour that creates conflict prevents us from working together to strengthen our union.

We should never condone nor tolerate behaviour within our union that undermines the dignity or self-esteem of any individual or creates an intimidating, hostile or offensive environment.

HEU's policies and practices must reflect our commitment to diversity, equity and inclusion.

Discriminatory speech or conduct based on sexism, racism, colonialism, homophobia, transphobia, ageism, and ableism have no place in our union.

Discrimination can take the form of harassment. Harassment means using real or perceived power to abuse, devalue or humiliate.

Discrimination and harassment reduce our capacity to work together within our union on issues that matter to all of us.

We are stronger collectively when all voices are encouraged, heard and valued.

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

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 not tolerate, condone or ignore 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 complaints procedure to effectively deal with violations of the policy.

Protecting the human rights, preventing bullying, and encouraging mutual respect of members and staff are 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 B.C. *Human Rights Code*.

Under the *Workers Compensation Act*, bullying and harassment includes any inappropriate conduct or comment by a person toward 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 B.C. *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 or materials;**
- **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;**
- **repeated behaviour which a person has objected to, and therefore is known to offend.**

## **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 they have 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 their 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, they 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, they 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 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 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 60 days of the conclusion of the investigation, the Complaints 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 Coordinator of Human Resources or their 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*.