

SEE ALSO:
Collective Agr. 8.10
670.1
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#471/91

LIBRARY

DATE: 1991 June 13

TO: Sections/Divisions/Branch Heads
Senior Clericals

CC: Administration Committee
President, VPLSA, Local 391
File 3.6.6

FROM: Cheryl L. Bucar, Director - Human Resources 

RE: Letter of Understanding - Sexual Harassment

Attached for your information and reference is the Letter of Understanding regarding sexual harassment in the workplace.

There are a number of important points to keep in mind:

- normal grievance procedure timelines have been waived in investigating sexual harassment complaints;
- the procedure recommended is based on a modified City of Vancouver policy on sexual harassment, which is attached for your information.
- the choice of method used to register a complaint may vary from case to case and need not follow the recommended procedure. The important point is to follow through on registering and investigating complaints.

If you would like a more thorough discussion of this, please feel free to call.

/cw

enc

VANCOUVER PUBLIC LIBRARY

SUBJECT: Letter of understanding
Sexual Harassment

The Vancouver Public Library and the Vancouver Public Library Staff Association, Local 391 hereby agree to waive the normal grievance procedure timelines and to adopt the procedure listed below for addressing complaints brought in regard to Sexual Harassment.

CLAUSE 9.10, SEXUAL HARASSMENT

This agreement is in keeping with Clause 9.10 of the 1988-90 Collective Agreement between the parties which reads

"Effective 1988 September 25, the Employer and Association agree that Sexual Harassment shall not be tolerated in the workplace."

POLICY

The City of Vancouver Policy on Sexual Harassment which is appended, is an integral part of this agreement except for the modifications in this agreement.

DEFINITION

The definition of Sexual Harassment for the purposes of this agreement is the definition in the City of Vancouver Policy on Sexual Harassment.

RECOMMENDED COMPLAINT PROCEDURE

The City of Vancouver Policy on Sexual Harassment is modified to read as follows:

The procedure is not meant to be restrictive. Complaints will not be denied because the complainant has chosen to vary the procedure to register the complaint.

Accordingly, employees with complaints may choose to

- follow a Union complaint procedure or to file a grievance,
- talk initially to the supervisor, senior administrator or someone in Human Resources.

The procedure that follows does not prohibit that: however, it is a recommended procedure which is likely to be effective in most instances.

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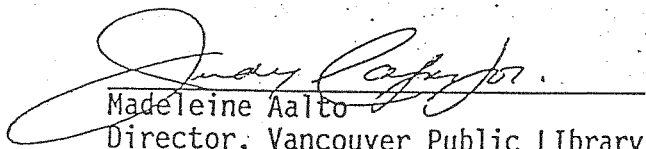
Refresher training required for Admin GP.

1. The employee makes the initial complaint within a period of two years from the date of the last instance of the alleged sexual harassment to the Library Director, who will discuss with the complainant whom is acceptable to act as the complaint officer.
2. In a confidential meeting, the complainant and the complaint officer will review the definition of sexual harassment. The complaint officer will outline the complaint procedure.
3. The complaint officer will discuss alternative courses of action with the complainant. The complainant may wish to discuss the issue directly with the harasser (with the option of support from the complaint officer) in order to arrive at a solution. A second option is to begin an investigation. Alternatively, the complainant may wish to consider the matter further, initiate a grievance, or stop the process.
4. At the request of the complainant, an investigation will be undertaken. At this point, it will be necessary to record the complaint in writing. When begun, the complainant's identity will be made known to the alleged harasser.
5. The investigation will be conducted by the complaint officer with the assistance of other Library staff during the investigation as he or she sees fit. Interviews will be held with the alleged harasser and with other staff as necessary.
6. Once the investigation has been completed, the findings will be discussed with the complainant and the alleged harasser by the complaint officer.
7. The complaint officer will make an effort to achieve a resolution of the complaint at this point.
8. If the matter remains unresolved the complainant has the option to grieve the alleged harassment or have the complaint officer submit a written report to a City of Vancouver Equal Employment Officer, outlining the facts, the issues and a recommended resolution.
9. The Equal Employment Officer will investigate and, if the complaint remains unresolved, submit a report to the Director, VPL, who will decide the matter.

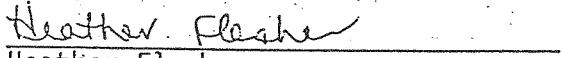
10. In keeping with the commitment of the Vancouver Public Library and Union to the elimination of sexual harassment in the workplace, it is understood and implied that remedial action is intended in all cases to be appropriate to the situation. It is the expressed agreement of both Union and Management that remedies may range from warning to dismissal. Where changes in the workplace are made necessary by demonstrated sexual harassment, the burden of those changes shall be borne by the harasser.
11. There will be a separate option to proceed by way of grievance up to two years after the complaint is registered.

This agreement shall be reviewed by the parties hereto at the end of three years from the date of the signing hereof.

Signed on the 24th day of May, 1991



Madeleine Aalto
Director, Vancouver Public Library



Heather Flesher
President, Vancouver Public Library
Staff Association

CITY OF VANCOUVER

POLICY ON SEXUAL HARASSMENT

I COMMITMENT

The City of Vancouver and its associated Boards and its Unions believe that the working environment of all employees should at all times be supportive of the dignity and self-esteem of individuals. Achieving this desired environment depends upon mutual respect, cooperation and understanding among fellow workers.

It follows that the City and its associated Boards and its Unions are committed to the maintenance of a work environment that is free from sexual harassment.

The City will communicate this policy to all employees, provide employee education as necessary, train supervisors and managers, and establish procedures for complaint investigation and discipline.

II DEFINITION

Sexual harassment can be defined as follows:

"Unwelcome sexual advances, requests for sexual favours, and other verbal or physical conduct of a sexual nature constitute sexual harassment when

(a) submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment

(b) submission to or rejection of such conduct by an individual is used as a basis for employment decisions affecting the individual, or

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

There are basically two types of sexual harassment. Paragraphs (a) and (b) describe harassment where an employment-related threat or reward is involved. This occurs when a harasser has the power to make decisions affecting the terms of employment of another individual. It is a situation where one individual tries to take sexual advantage of another individual on the basis of their employment relationship. This type of sexual harassment includes a threat to a worker's employment status or some gain or loss of job benefits.

Paragraph (c) refers to harassment which has the effect of "poisoning" the work environment. It arises when words or conduct create an unpleasant or objectionable work environment. It usually does not involve threat of reprisal per se, but makes enduring it an unavoidable aspect of employment.

The victim of sexual harassment may be male or female. The harasser may be of the same or the opposite sex of the victim. The harasser may be a manager, supervisor, co-worker, or subordinate.

Examples of sexual harassment may include the following:

Verbal: unwelcome remarks
 jokes that cause awkwardness or embarrassment
 innuendoes or taunting
 gender-based insults or sexist remarks
 telephone calls with sexual overtones
 proposals of physical intimacy
 repeated unwelcome requests for dates
 requesting sexual favours

Physical: pinching
 grabbing
 hugging
 patting
 leering
 brushing against
 touching
 kissing
 displaying of pornographic or other
 offensive or derogatory pictures
 or cartoons or sayings

III PREVENTION

The City of Vancouver and its associated Boards and its Unions are committed to the eradication of sexual harassment from the workplace.

A. Information

1. A policy statement in pamphlet form will be distributed to all employees.

2. Information sessions will be offered to supervisors and managers and employees about sexual harassment in the workplace, its prevention, its eradication and the complaint procedure.

B. Training

1. Workshops for all supervisors and managers and interested employees will be conducted and will include recognition of potential problems and liability, enforcing the City policy, keeping employees informed, and working cooperatively with unions.
2. Existing supervisory training workshops will be expanded to include a module on sexual harassment.

IV PROCEDURE FOR COMPLAINT, INVESTIGATION AND REMEDY

Sexual harassment is one of the most sensitive issues in the workplace. Because of this, a complaint procedure must be flexible to apply to all situations.

To be truly effective, a procedure must be accessible on several levels. It must be immediately available, totally confidential initially and provide a mechanism for investigation. It must consider penalties for harassers and remedies for victims. It should be separate and distinct from any other existing procedures.

Accordingly, the City's procedure is not meant to be restrictive. It is acknowledged that an employee may want to follow a Union complaint procedure or to file a grievance. A harassee may prefer to talk initially to his or her supervisor or Department Head, to someone in Personnel or even to the City Manager, in effect to invent his or her own procedure. What follows does not prohibit that. However, it is presented as a recommended procedure which is likely to be effective in most instances.

City Complaint Procedure

1. A victim of sexual harassment may take the initial complaint to an Equal Employment Opportunity Officer who will act as a complaint officer.
2. In an environment of confidentiality, the complainant and the complaint officer will review the definition of sexual harassment. The complaint officer will outline the complaint procedure.
3. The complaint officer will discuss alternative courses of action with the complainant. The complainant may wish to discuss the issue directly with the harasser (with the option of support from the complaint officer) in order to arrive at a solution. Or the preference may be to begin an investigation. Alternatively, the complainant may wish to consider the matter further, initiate a grievance, or stop the process.

4. At the request of the complainant, an investigation will be undertaken. At this point, it will be necessary to record the complaint in writing. When the investigation is begun, the complainant's identity will be made known to the alleged harasser.

5. The investigation will be conducted by the complaint officer with the assistance of other City staff during the investigation as he or she sees fit. Interviews will be held with the alleged harasser and with other staff as necessary.

6. Once the investigation has been completed, the findings will be discussed with the complainant and the alleged harasser by the complaint officer.

7. The complaint officer will make an effort to achieve a resolution of the complaint at this point.

8. If the matter remains unresolved the complaint officer will submit a written report to the City Manager, outlining the facts, the issues and a recommended resolution.

9. The City Manager will decide the matter. The employee will have access to the grievance procedure where applicable.

10. In keeping with the commitment of the City and its associated Boards and Unions to the elimination of sexual harassment in the workplace, it is understood and implied that remedial action is intended in all cases to be appropriate to the situation. It is the expressed agreement of both unions and management that remedies may range from warning to dismissal. Where changes in the workplace are made necessary by demonstrated sexual harassment, the burden of those changes shall be borne by the harasser.

V CONCLUSION

In promulgating this policy, the City of Vancouver and its associated Boards are demonstrating their determination to rid the workplace of sexual harassment. A complaint procedure has been provided to deal with such incidents as may occur, with provision for discipline if an employee is in breach of this Policy. Provision is also made to change situations where sexual harassment occurs, and to educate employees and supervisors/managers on all relevant aspects of sexual harassment. In all these ways, the goal of the Policy is prevention.

October 20, 1989