



WORKPLACE VIOLENCE, DISCRIMINATION & HARASSMENT POLICY

November 2016

PURPOSE:

I.A.T.S.E Local 411 believes that every individual has the right to dignity and respect both within the union and the workplace.

I.A.T.S.E. Local 411 maintains a zero tolerance standard of violence, discrimination and harassment in the workplace. The purpose of this policy is to provide I.A.T.S.E. Local 411 employees and members guidance that will maintain an environment at and within I.A.T.S.E. Local 411 property and events that is free of violence, discrimination and harassment and the threat of violence, discrimination and harassment.

POLICY:

Violence, discrimination and harassment are contrary to the spirit of this Local. It is a fundamental part of our philosophy that everyone who works at IATSE Local 411 should be treated with dignity and respect. IATSE Local 411 is committed to providing an environment that is free of violence, discrimination and harassment (including cyber-bullying). IATSE Local 411 will not tolerate any conduct that creates an intimidating, hostile or offensive workplace.

This Policy covers all forms of violence, discrimination and harassment prohibited under the Ontario *Human Rights Code*, including violence, discrimination and harassment based on race, ancestry, place of origin, colour, ethnic origin, citizenship, creed/religion, sex, sexual orientation, age, record of offences, marital status, family status, disability or any other characteristic protected under the Ontario *Human Rights Code* ("Prohibited Grounds")

This policy applies to all employees, members, applicants, permittees, service providers, vendors, visitors, guests and patrons of IATSE Local 411.

DEFINITIONS:

Workplace Violence: Behavior in which an employee, former employee or visitor to a workplace inflicts or threatens to inflict damage to property, serious harm, injury or death to others at the workplace.

Threat: The implication or expression of intent to inflict physical harm or actions that a reasonable person would interpret as a threat to physical safety or property.

Intimidation: Making others afraid or fearful through threatening behavior.

Discrimination: Any form of unequal treatment – whether that treatment imposes extra burdens or denies benefits – based on any of the Prohibited Grounds. It may be intentional or unintentional. It may involve direct actions that are discriminatory on their face, or it may involve rules, practices or procedures that appear neutral, but have the effect of disadvantaging any protected groups of people.

Harassment: Harassment is a form of discrimination. Harassment means a course of comments or actions that are known, or ought reasonably to be known, to be unwelcome. It can involve words or actions that are known or ought reasonably to be known to be offensive, embarrassing, humiliating, demeaning or unwelcome, based on any of the Prohibited Grounds of discrimination identified in this Policy. **Harassment is concerned with the impact of behavior, not the intent.**

Poisoned or Negative Environment: Any action or behaviour such as insults, jokes or posting/displaying of offensive material, including by electronic means, relating to any of the Prohibited Grounds, though not necessarily directed at anyone in particular, that has the effect of creating an offensive or intimidating climate.

Zero-tolerance: A standard that establishes that any behavior, implied or actual, that violates the policy will not be tolerated.

PROHIBITED BEHAVIOR:

Violence, harassment & discrimination in the workplace may include, but is not limited to the following list of prohibited behaviors.

- Direct threats or physical intimidation;
- Implications or suggestions of violence;
- Stalking;
- Possession of weapons of any kind on IATSE Local 411 property, including parking lots, other exterior premises or while engaged in activities for IATSE Local 411 in other locations, or at IATSE Local 411-sponsored events, unless such possession or use is a requirement of the job;
- Assault of any form;
- Physical restraint, confinement;
- Dangerous or threatening horseplay;
- Loud, disruptive or angry behavior or language that is clearly not part of the typical work environment;
- Blatant or intentional disregard for the safety or well-being of others;
- Commission of a violent felony or misdemeanor on IATSE Local 411 property;
- Any other act that a reasonable person would perceive as constituting a threat of violence;
- Making remarks, jokes or innuendoes related to, for example, an individual's race, disability, religion, age or any of the Prohibited Grounds of discrimination;
- Displaying or circulating offensive pictures, graffiti or materials related to any of the Prohibited Grounds, whether in print form or via e-mail or other electronic means;
- Unwelcome remarks, jokes or innuendoes about gender, sex or sexual orientation;
- Unwanted comments or questions about a person's personal life;
- Refusal to work with someone because of their sex or sexual orientation;
- Derogatory or degrading comments about a person's body;
- Leering or other offensive or sexually aggressive gestures;
- Unwelcome advances, invitations or propositions of a sexual nature of repeated invitations after previous requests have been refused.

Domestic Violence, while often originating in the home, can significantly impact workplace safety and the productivity of victims as well as co-workers. For the purposes of this document, "domestic violence" is defined as abuse committed against an adult or fully emancipated minor. Abuse is the intentional reckless attempt to cause bodily injury, sexual assault, threatening behavior, harassment, or stalking, or making annoying phone calls to a person who is in any of the following relationships:

- Spouse or former spouse;
- Domestic partner or former domestic partner;
- Cohabitant or former cohabitant and or other household members;
- A person with whom the victim is having, or has had, a dating or engagement relationship;
- A person with whom the victim has a child.

IATSE Local 411 recognizes that domestic violence may occur in relationships regardless of the marital status, age, race, or sexual orientation of the parties.

PROCEDURES – REPORTING VIOLENCE, DISCRIMINATION OR HARASSMENT:

A Local 411 employee who:

- is the victim of violence, discrimination or harassment; or
- believes they have been threatened with violence; or
- witnesses an act or threat of violence, discrimination or harassment towards anyone else shall take the following steps:

Immediate Danger:

If an emergency exists and the situation is one of immediate danger, the employee shall contact the local police officials by dialing 9-1-1, and may take whatever emergency steps are available and appropriate to protect themselves from immediate harm, such as leaving the area.

No Immediate Danger:**STEP 1:**

Ask the person to stop. Let him or her know that the behaviour was inappropriate, that you found it hurtful or that you were uncomfortable.

Without being confrontational, clearly and directly describe the behaviour that is bothering you, its impact on you and ask the other person to stop immediately. If you are concerned about talking to the other person, consider writing him or her a letter about what is bothering you. Remember there are times when the person causing the problem is not fully aware of the impact of their actions.

STEP 2:

If you are unable, or were unsuccessful talking directly to the other person, speak to the Local 411 Business Agent. The Business Agent will work with you to help resolve the situation using an informal approach. This may include taking steps such as meeting with the person you are having the problem with or arranging for mediation.

Write down what happened including dates, times, location and witnesses.

STEP 3:

If the problem persists, you may consider filing a formal written complaint. The written complaint must include information about:

- who was involved and the names of any witnesses;
- what happened, where did it happen and when;
- what section of this policy does the complaint fall under; and
- what remedy you are seeking.

The complaint must be submitted to the I.A.T.S.E Local 411 Business Agent. A copy of the complaint will then be given to the respondent for his or her response.

Written complaints should be initiated in a timely fashion.

Upon receipt of a written complaint of violence, discrimination or harassment, the Business Agent will conduct a thorough investigation into the allegations. If either party objects to the Business Agent conducting the investigation and it is agreeable to the parties, a second investigator from outside the management structure of the Local 411 office, will serve as a co-investigator. Where it is appropriate, an external independent investigator may be retained.

The investigator will prepare a detailed report which will include a review of the evidence relating to each of the allegations. The report will conclude with a finding on the basis of the balance of probabilities, whether the allegations are supported by the investigation. Both parties to the complaint will receive a copy of the report and will be invited to respond in writing.

Every effort will be made to expedite the investigation process so that a finding can be reached within a reasonable amount of time from the date of formal complaint.

STEP 4:

In the case of an investigation, the report will be submitted to the Executive Board of Local 411 for final decision on action to be taken. This decision will be made based upon the findings in the investigation report and the response of the parties. If the complaint is upheld, sanctions will be imposed based on the seriousness of the situation, the impact of the behaviour and the needs of the complainant.

Where there is a finding that the allegations are not upheld by evidence and it is decided that no further action be taken, no record will appear in any personnel file. If it is found that the allegations are frivolous, vexatious or made in bad faith, the decision maker may decide to impose sanctions against the complainant.

PROCEDURES – FUTURE VIOLENCE:

I.A.T.S.E Local 411 employees who have reason to believe they, or others, may be victimized by a violent act sometime in the future, at the workplace or as a direct result of their employment with IATSE Local 411, shall inform the Business Agent immediately so that appropriate action may be taken.

Employees who have signed and filed a restraining order, temporary or permanent, against an individual due to a potential act of violence, who would be in violation of the order by coming near them at work, shall immediately supply a copy of the signed order to the Business Agent.

SHARING OF PERSONAL INFORMATION

In cases where an individual with a history of violent behaviour presents a threat of workplace violence that is likely to expose an I.A.T.S.E Local 411 employee to physical injury, I.A.T.S.E Local 411 will provide information related to the risk of workplace violence to any employee(s) who can be expected to encounter that person in the course of his or her work. The information provided may include personal information, though no more than is reasonably necessary to protect the employee from physical injury. Such sharing of information is authorized, on a need-to-know basis, by privacy legislation, and should be done in a way that reflects privacy principles.

MITIGATING MEASURES:

Incidents which threaten the security of I.A.T.S.E Local 411 employees shall be mitigated as soon as possible following their discovery. Mitigating actions include:

- Notification of law enforcement authorities when a potential criminal act has occurred.
- Provision of emergency medical care in the event of any violent act upon an employee.
- Post-event trauma counseling for those employees desiring such assistance.
- Assurance that incidents are handled in accordance with the Workplace Violence Prevention policy.
- Requesting IATSE Local 411's attorney file a restraining order as appropriate.

TRAINING AND INSTRUCTION:

Periodically, IATSE Local 411 will provide training and instruction regarding Workplace Violence, Discrimination & Harassment. It is recommended that all Local 411 employees and members attend these seminars as they are made available.

NOTE OF CLARIFICATION:

This policy is regarding the treatment of I.A.T.S.E. Local 411 union office employees by members, applicants, permittees, service providers, vendors, visitors, guests, patrons and other staff of I.A.T.S.E. Local 411.

It is not regarding I.A.T.S.E Local 411 members, applicants or permittees in their workplaces. Workplace Violence and Harassment policies regarding persons working under I.A.T.S.E. Local 411 collective agreements are the responsibility of and should be generated by their employers (the producers/studios).