

**Watch Your Language: An Analysis of Local  
Government Collective Agreement Harassment  
Language**

**MPA Research Report**

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## **Executive Summary**

Workplace harassment is an issue that can affect just about anyone. From senior management, to middle management, to front-line staff, workplace harassment transcends all levels of an organization. With respect to local government organizations, roughly 75% are currently unionized,<sup>1</sup> and because they are unionized, employees should be provided with a certain level of collective agreement harassment protection. Thus, this paper will examine roughly 250 collective agreements (200 from local government organizations and 50 from private organizations) and assess the harassment clauses in an attempt to answer the question: Is collective agreement language working to protect unionized employees from harassment in the current Canadian local government working world?

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<sup>1</sup> Canadian Auto Workers. "2004 Update: Union Membership in Canada". Online April 11<sup>th</sup>, 2005.  
[http://www.childcareadvocacy.ca/resources/pdf/union\\_update2004e.pdf](http://www.childcareadvocacy.ca/resources/pdf/union_update2004e.pdf)

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## **Chapter One**

### **Introduction:**

According to Statistics Canada, as of 2003 roughly 75% of the Canadian public sector is unionized; this includes both white and blue collar workers, and transcends through federal, provincial and municipal levels of government. Because this sector of the working world is so heavily unionized, it is the opinion of this researcher that an analysis of collective agreement issues is of great importance for the advancement of both the employees and the organizations as a whole. Concomitantly, because the issue of workplace harassment also transcends all sectors of the working world, research conducted about this issue is also valuable to the advancement of workplace safety and social standards. Consequently, this paper attempts to answer the question: Is collective agreement language working to protect local government employees from harassment.

Because organizations address the issue of harassment in different legal forms (corporate policies, Human Rights Codes, and collective agreements), it is important to note that this paper will examine the issue of collective agreement harassment language in terms of the unions offering a paid service to their members. When employees (not management) work in a unionized environment they must pay union dues regardless of if they do or do not support the union,<sup>2</sup> as such it is of the opinion of

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<sup>2</sup> A milestone in the legal entrenchment of collective agreement bargaining rights came out of the 1945 strike by the United Auto Workers

this researcher that it is necessary to explore if these employees are getting 'the biggest bang for their buck' through their unions' paid services. Moreover, this researcher believes that this is an important and pertinent issue in need of further study in the current Canadian working world. However, before a proper analysis can be conducted, the issues of discrimination and harassment must first be defined.

### **Discrimination**

In order to understand harassment, and the ways in which it is combated, it is first necessary to understand discrimination and the evolution of anti-discriminatory policies. The anti-discriminatory policies and legislation are the precursors to anti-harassment policies and legislation, thus they add context in acutely understanding harassment legislation.

In 1985, due to increasing pressure by many groups in Canada, anti-discrimination legislation was passed which made it illegal to engage in workplace discrimination;<sup>3</sup> this legislation has effectively empowered the Human Rights Commission with the means to fight discrimination in the workplace. In the legislation

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and the Ford Motor Company in Windsor Ontario. Arbitrator and Supreme Court Justice Ivan Rand made an instrumental ruling in settling the strike. He created *The Rand Formula* which provided security for unions in organizations through a union shop and union dues check-off system. Moreover, while no one should be required to join a union, because a union must act for the benefit of all employees in a workplace it is justifiable to automatically deduct union dues from the pay cheques of all employees in a workplace regardless of whether or not they actually belong to the union. For further information on the subject see: Taylor, Jeremy. (1949). "The Rand Formula". *Quarterly Review of Commerce*. 14(1) 139-160.

<sup>3</sup> Canadian Human Rights Commission. (1985). "Discriminatory Practices and General Provisions". Online May 20<sup>th</sup>, 2005. <http://laws.justice.gc.ca/en/h-6/31543.html>

the Canadian Human Rights Commission defines discrimination as:

Discrimination means treating people differently, negatively or adversely because of their race, national or ethnic origin, colour, religion, age, sex, marital status, family status, disability, pardoned conviction, or sexual orientation.<sup>4</sup>

Thus, once the Human Rights Commission received the power to fight discrimination, all members of the Canadian working world acquired the right to their representation. Many people did start turning to the Human Rights Commission for help with workplace discrimination<sup>5</sup> and this led to different groups questioning why workplace harassment was not also covered by Human Rights legislation. As a result, many groups began lobbying for legislation to address other Human Rights issues and violations and this lobbying influenced policymakers; shortly thereafter anti-harassment legislation would be enacted.

### **Workplace Harassment**

Workplace harassment, like discrimination, can affect just about anyone. From front-line staff to senior level management, there is no position that one can hold in an organization which guarantees perpetual protection from harassment. In the current working world there are different forms of recourse both employees and organizations use to combat harassing behaviours, (this will be addressed in chapter 3). However, in

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<sup>4</sup> Canadian Human Rights Commission. "Grounds of Discrimination". Online may 20<sup>th</sup>, 2005. <http://www.chrc-ccdp.ca/discrimination/grounds-en.asp>

<sup>5</sup> *Ibid.*



order to fight workplace harassment, organizations must first comprehensively define the term; this is something that every organization must do in order to stay focused and productive.<sup>6</sup>

One rather comprehensive and recognized definition of harassment is provided by the Canadian Human Rights Commission (CHRC). According to the CHRC, the term harassment is defined as:

[A]ny behaviour that demeans, humiliates or embarrasses a person, and that a reasonable person should have known would be unwelcome. It includes actions (e.g. touching, pushing), comments (e.g. jokes, name-calling), or displays (e.g. posters, cartoons)....The Canadian Human Rights Commission accepts harassment complaints based on 11 grounds: harassment related to race, national or ethnic origin, colour, religion, age, sex, marital status, family status, disability, pardoned conviction, or sexual orientation.<sup>7</sup>

Consequently, harassment can come in a myriad of forms. Many organizations only work to define harassment in sexual terms<sup>8</sup> but harassment actually encompasses a multitude of unwelcomed and inappropriate behaviours; like seemingly non-serious acts of bullying, personal harassment, insubordination and disrespect, to electronic stalking and criminal harassment. In a legal context, in Canada, the onus is put on the employer to properly define and address harassment.<sup>9</sup> Moreover, if a workplace harassment case goes to court, and it is found that the organization did not take

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<sup>6</sup> Bassman, E. (1992) Abuse in the Workplace: Management Remedies and Bottom Line Impact. (Westport, Ct: Quorum Publishing). P. 11.

<sup>7</sup> The Canadian Human Rights Commission. "Anti-Harassment Policies". Online March 31<sup>st</sup>, 2005. [http://www.chrc-ccdp.ca/publications/anti\\_harassment\\_toc-en.asp#intro](http://www.chrc-ccdp.ca/publications/anti_harassment_toc-en.asp#intro)

<sup>8</sup> Lutgen-Sandvik, Pamela. (2003) "The Communicative Cycle of Employee Emotional Abuse". *Management Communication Quarterly*. 16(4) 471-501. P. 471.

<sup>9</sup> The Canadian Human Rights Commission. *Op. Cit.*

measures to properly address the issue, then the organization can be held liable for not protecting its' employees from the harassing acts.<sup>10</sup>

Workplace harassment is also quite costly to organizations for varying reasons. From a management perspective, it is costly because it refocuses employee energy from productivity to self-protection which results in the lowering of outputs and constructive activity.<sup>11</sup> Because the main prerogative of the effective management standpoint is to increase productivity and efficiency, a skilled and talented management team will undoubtedly take a serious stance on harassment. Again, if managers are engaged in harassing behaviour, or turn a 'blind-eye' to harassment within the organization, then that could lead to litigation and lower outputs, and no management team wants that of their organization.

From a human resources perspective harassment can be detrimental for many reasons. First, it results in staff turnover and burnout;<sup>12</sup> because many persons who are the targets of harassing acts dread and fear going to work, these people in turn decide to quit their jobs in order to find a new place of employment. This leads to the costly process of hiring and training new employees. As well, many targets take an

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<sup>10</sup> *ibid.*

<sup>11</sup> Wyatt, J., & Hare, C. (1997) Work Abuse: How to Recognize it and Survive it. (Rochester, VT: Schenkman Books). P.46.

<sup>12</sup> Infante, D. A., & Gorden, W. I. (1985). Superiors' Argumentativeness and Verbal Aggressiveness as Predictors of Subordinates' Satisfaction. *Human Communication Research.* 12, 117-125. P. 119.

intensified use of sick leave<sup>13</sup> and increased medical and workers' compensation claims due to medical stress.<sup>14</sup> This intensified use of sick leave is mainly a result of physical, mental and emotional stress caused by the harassment.

From an organization's economic perspective, harassment is costly because it can result in hiring consultants<sup>15</sup> who are highly skilled in mediation and conflict resolution and as previously stated, harassment can lead to litigation or out of court settlements.<sup>16</sup> In some extreme instances in Canada, workplace harassment cases have gone to court and it has been proven that the employer and the organization were negligible in protecting the target of the harassment. In turn, these organizations have been ordered to pay millions of dollars to the target.<sup>17</sup>

Finally, from the perspective of the organization working to foster a strong and cohesive culture, harassment can result in the

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<sup>13</sup> Institute for Workplace Trauma and Bullying. Online March 27<sup>th</sup>, 2005. [www.bullybusters.org](http://www.bullybusters.org)

<sup>14</sup> Bassman, E. *Op. Cit.* P. 17.

<sup>15</sup> Lutgen-Sandvik, Pamela. *Op. Cit.* P. 472.

<sup>16</sup> Kontorovich, E. (2001). The Mitigation of Emotional Distress Damages. *University of Chicago Law Review*, 68, 491-520. P. 491.

<sup>17</sup> For further information on Canadian cases of harassment that have gone to court, see: Sexual Assault Centre London. 2002. Video. "The Way Forward: Rethinking the Problem of Workplace Sexual Harassment". In this video experts realistically assess the cost harassment, both human and economic. Lawyers, law enforcement officials, human resource professionals, academics, union leaders, business professionals, community-based activists, support workers and women who have experienced sexual harassment present hard facts gathered from research and personal experience. This video presents 3 women's stories: *Theresa Vince* who was killed in 1996 at the SEARS store in Chatham, Ontario by her boss; *Bonnie Robichaud* whose complaint against the Department of National Defense was responsible for a landmark ruling by the Supreme Court of Canada on employer liability for harassment-free workplaces; and *Sharon Chapman* whose victory against her employer, 3M, includes the right to speak openly about her case.

breakdown of work teams<sup>18</sup> and the organization losing credibility and suffering a loss of good reputations.<sup>19</sup> As such, in order to prevent the many losses that can be incurred by workplace harassment it is imperative that organizations promptly address and rectify the issue so as to not lose any organizational cohesiveness from vision, mission to mandate.

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<sup>18</sup> Lockhart, K. (1997). "Experience from a Staff Support Service". *Journal of Community and Applied Social Psychology*, 7, 193-198. P. 194.

<sup>19</sup> Cox, S. A. (1999). "Group Communication and Employee Turnover: How Coworkers Encourage Peers to Voluntarily Exit". *Southern Communication Journal*, 64, 181-192. P. 188.

## Chapter Two: The Role of Unions

Industrial Relations is a field of study wherein research and analyses are conducted to help all members of society understand the complexities of the working world. The term Industrial Relations can be understood as:

A complex of private and public activities, operating in a specified environment, which is concerned with the allocation of rewards to workers for their services and the conditions under which these services are rendered<sup>20</sup>

Thus, Industrial Relations involves various parties bargaining and negotiating over the scarcity of goods and rewards in any particular working environment.

A major component of Industrial Relations, and one which will be examined throughout this paper, is the unionization of workers. A labour union can be understood as: "an association of workers that uses collective action to improve its standard of living and working conditions".<sup>21</sup> Within the Western world of Industrial Relations, unions and the unionization movement have amassed a wealth of power over the past 150 years,<sup>22</sup> and this could not have happened without much violence, social unrest and lobbying.

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<sup>20</sup> Craig, Alton, W. & Soloman, Norman, A. (1993). The System of Industrial Relations in Canada. 4<sup>th</sup> Ed. (Scarborough On. Prentice-Hall Canada Inc.). P. 2.

<sup>21</sup> Calhoun, Craig. "Labor Union" Dictionary of the Social Sciences, ed. Oxford University Press 2002. *Oxford Reference Online*. Oxford University Press. University of Western Ontario. Online July 8th 2005. <<http://www.oxfordreference.com.proxy.lib.uwo.ca:2048/views/ENTRY.html?subview=Main&entry=t104.e915>>

<sup>22</sup> Cornfield, Daniel, B. (2001). "Shifts in Public Approval of Labour Unions in the United States, 1936-1999." *Guest Scholar Poll Review*. The Gallup Organization. Available online at: [www.gallup.com](http://www.gallup.com).

As such, in order to understand the role of unions, it is important to first understand their origins and their *raison d'être*.

### **Labour and the Growth of Guilds**

The origins of unions date back to the mid 14<sup>th</sup> Century in Europe, in the form of medieval guilds.<sup>23</sup> During this time, the roots of industrialization were being laid as these medieval guilds began to acquire economic power through their specialized functions; the specialized skills wielded these workers power in their society and they were able to form together to create pre-modern unions. These coalitions (or guilds) stood in contradistinction to then existing power of the Church and the Absolute Monarchy, and by the end of the 15<sup>th</sup> Century economic changes which had been underway for many years began to produce an accumulation of effects that consequently amounted to a revolutionary remodeling of medieval institutions.<sup>24</sup>

### **The Industrial Revolution**

The concept of guilds and unions were carried over to the Industrial Revolution starting in the late 1700's. The Industrial Revolution managed to dramatically increase the pressure on previous models of production whilst radically undermining the medieval model of production because of the enlarged total number of labourers. During this time, the vast majority of labourers were horrifically exploited, however pressure from

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<sup>23</sup> Applebaum, Herbert, A. (1992). The Concept of Work: Ancient, Medieval, and Modern. (Albany, NY. State University of New York Press). Pp. 271-277.

<sup>24</sup> Brown-John, Dr. Lloyd. (2002). "The History of the Labour Movement". Lecture given at the University of Windsor Ontario.

labour and social groups helped to ameliorate working conditions for some of the working poor.<sup>25</sup> Through the pressures exerted by labour and social groups, by the mid 1830's trade-union activity had vastly expanded and attempts were made to link organizational efforts across trades, resulting in many large international umbrella organizations and congresses.<sup>26</sup> By the late nineteenth century the United States had fully entered the industrial age, and unions were organized on a grand scale. Groups such as the Knights of Labor (founded in 1869) and later the American Federation of Labor (AFL, founded in 1886) made frequent use of strikes and other actions to assert workers' rights.<sup>27</sup>

#### **The Canadian Labour Movement: From 1872 to Present**

In a Canadian historical context, there have been four generally recognized milestones with respect to labour legislative reform: the Trade Unions Act (1872), the Industrial Disputes Investigations Act (1907), PC 1003 (1944) and the Public Service

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<sup>25</sup> Emile Zola, a French journalist turned novelist, wrote some of the most prolific and influential pieces illustrating the abhorrent conditions of life for the lower classes in France during the latter half of the 19<sup>th</sup> Century. His works decried the need to change the child labour laws, and exposed the rampant alcoholism and prostitution occurring in French industrialized society. His book Germinal received much attention and reputedly helped pave the way for French labour law reform. Concomitantly, in the U.S. during this period, a writer and social activist by the name of Upton Sinclair began shedding light on the equally deplorable working conditions in the Chicago meatpacking industry. His book The Jungle had vast implications and even influenced President Roosevelt's social policies. For further reading see: Zola, Emile. (1954). Germinal. (New York, NY.: Penguin / Putman Ltd). & Sinclair, Upton. (1906). The Jungle. Available online at: <http://sunsite.berkeley.edu/Literature/Sinclair/TheJungle/>.

<sup>26</sup> *Ibid.*

<sup>27</sup> Calhoun, Craig. *Op. cit.*

Staff Relations Act (1967). The Trade Unions Act was pivotal to the union movement in that it legalized unions in Canada, while the Industrial Disputes Investigations Act inserted the government as a third party interest in industrial disputes.<sup>28</sup> PC 1003 took the union movement a step further in that it introduced compulsory union recognition and the right to collective bargaining whilst the Public Service Staff Relations Act was successful in extending collective bargaining rights to federal public service employees.

In 1956 Canadian skilled and unskilled labour united forming a single central labour organization called the Canadian Labour Congress (CLC).<sup>29</sup> This merger proved to be important in the labour movement because it awarded labour a much more powerful voice in Canadian employment issues. The CLC remains Canada's 'House of Labour' representing 69 percent of union members in the country.<sup>30</sup> Overall, since unions have been legally recognized in Canada, the standard of living for unionized employees has increased dramatically.<sup>31</sup> These unions have given workers a voice when they otherwise would have been voiceless and powerless in confronting management or a large corporation, the unions have fought for higher wages and better

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<sup>28</sup> Gonick, Cy. *et. al.* (1995). Labour Gains, Labour Pains: 50 Years of PC 1003. (Winnipeg, MB. Society for Socialist Studies/Fernwood Publishing). P.5.

<sup>29</sup> Brown-John, Dr. Lloyd. Op. Cit.

<sup>30</sup> Human Resources Development Canada. (2000). "Workplace Information Directorate 2000". *Directory of Labour Organizations in Canada*. Hull, QC:HRDC.

<sup>31</sup> Freeman, Orville, L. (1967). "Malthus, Marx and the North American Breadbasket". *Journal of Foreign Affairs*. New York. (45) 4 579-594. Pp. 582-585.



working conditions for employees and they have fastidiously worked to increase the standard of living for all their members.

**Present Day: The Canadian Union of Public Sector Employees and Harassment Language**

The Canadian Union for Public Sector Employees (CUPE) is the largest public sector union in Canada and has over half a million members.<sup>32</sup> According to CUPE's head office, the national union has a very strong mandate with respect to protecting members from the ill-effects of workplace harassment. In order to achieve this mandate nationally, there are certain methods the research branch of the head office undertakes in order to bargain effectively and get harassment language into CUPE's collective agreements.

The National Way: Helping you set the table and helping you get a better deal. [The steps necessary to get a better deal include] (1) Describe what's necessary. The national union researches, analyzes and challenges the reasons for bargaining this [harassment] issue. We look at possible alternative approaches which might be preferable or more beneficial to our members....(2) Communicating rights province-by-province....(3) Providing union education and training.... (4) Campaigning: from silence to voice.... (5) Negotiating a strong deal.<sup>33</sup>

Thus, according to CUPE head office, harassment is an issue that all of their member unions need to address and the best way to do

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<sup>32</sup> The Canadian Union of Public Sector Employees. "Equality is the Essence of CUPE". Online July 5<sup>th</sup>, 2005.  
<http://www.cupe.ca/www/Equality/8892>

<sup>33</sup> Canadian Union of Public Sector Employees. "Collective Bargaining Series for Women: #1 Sexual Harassment". Online May 16<sup>th</sup>, 2005.  
<http://www.nupge.ca/publications/Women%20CBAC/wom%20SexualHarassment.pdf>

this is through persistent action, unification and strategic bargaining.

### **Conclusion**

Through this examination of union evolution it is evident that the labour movement has gone through much transformation over the past 400 years. The evolution has resulted in unions effectively exerting political, economic and social pressures on Western societies which have amounted to the amelioration of living conditions for many citizens. In the future, it is the hope of many labour theorists<sup>34</sup> that unions will help to make life better for both unionized and non-unionized workers, thus helping to better the living conditions for all members of society.

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<sup>34</sup> Kalliola, Satu. (2005). "Confronting a Changing Economy: Union Responses in Finland". *Journal of Economic and Industrial Democracy*. 26 (2). 257-276.

### **Chapter Three: Common Ways Local Government Organizations Combat Harassment**

Harassment is a multi-faceted problem which requires multi-disciplinary solutions.<sup>35</sup> Some multi-disciplinary solutions utilized by local government organizations include: sensitivity training, behavioural and organizational research, codes of conduct, the use of Mental Health Practitioners or Employee Assistance Programs, legal resources, organized labour and collective agreements, human rights laws, management and human resources, dispute-resolution specialists, legal resources, and education. Of this list of solutions, the four most common ways organizations and employees combat harassment are through: awareness and sensitivity training, human rights law, codes of conduct and collective agreement language.<sup>36</sup> Most local government organizations have a mixture of these methods implemented in order to protect employees,<sup>37</sup> for example having a code of conduct and a collective agreement wherein both documents address harassment.<sup>38</sup> When used separately, each of the four methods has its own merits, but when used in conjunction with one another, each of these methods of harassment recourse help to ensure that all employees are better protected from a toxic work environment.

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<sup>35</sup> Namie, Gary., & Namie, Ruth. (2000). The Bully at Work. (Naperville, IL. Sourcebooks, Inc.) P. 11.

<sup>36</sup> Viollis, Paul. (2005). "Most Workplace Violence Avoidable". *Chicago: Business Insurance*. 39, 10-11. P. 10.

<sup>37</sup> Burnett, Katy. (2004) "Management and Labour Can Work Together". *Canadian HR Reporter*. 17, 191-193. P. 191

<sup>38</sup> Ibid.

Sensitivity training has been a prominent fixture of North American corporate culture since the early 90's.<sup>39</sup> It is generally conducted when a new employee joins an organization, or when an incidence of harassment has occurred. The main function of sensitivity training is to explicate what are acceptable and unacceptable workplace behaviours and the training usually consists of harassment prevention and conflict resolution. In the Canadian local government realm, sensitivity training is common practice for the majority organizations,<sup>40</sup> and this reflects positively on the public sector as it illustrates that they are conscious of keeping employees trained about acts of harassment.

Another way in which organizations guard themselves from the injurious effects of harassment is to rely upon human rights law. As previously stated, the CHRC has laws in place that protect workers from harassment and should the incidence of harassment occur, then the CHRC has a clearly laid out course of action that the injured party can initiate.<sup>41</sup> The first step of the process requires the complainant to file a complaint with the CHRC. Then the CHRC conducts a preliminary assessment which consists of "an opportunity to engage both parties to a complaint in a frank, open discussion and assessment of the case".<sup>42</sup> The ultimate objective of the preliminary assessment is

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<sup>39</sup> Olsen, Walter. "When Sensitivity Training is the Law". *The Wall Street Journal*. New York. January 20<sup>th</sup>, 2003. Sec. F. 7.

<sup>40</sup> Public Service Human Resources Management Agency of Canada. *Op. Cit.*

<sup>41</sup> The Canadian Human Rights Commission. *Op. Cit.*

<sup>42</sup> *Ibid.*

come to a settlement, however if that cannot be achieved then the next course of action is an agreement by both parties to participate in a confidential mediation process or a referral to a more appropriate grievance or review procedure.<sup>43</sup> If the parties choose mediation then they will meet with a trained impartial mediator and decide whether to resolve the dispute in mediation or proceed with the complaint process. Again, if the issue cannot be resolved by mediation then an investigation would be conducted by investigators appointed by the CHRC who have been trained in human rights law and in gathering and analyzing evidence.<sup>44</sup> Once the evidence is sufficiently compiled it is taken to the conciliation step. Conciliation is different from mediation in that it is a mandatory meeting of the parties before an appointed conciliator. This meeting allows the parties to consider the facts of the case and the investigator's findings whilst giving the parties an opportunity to craft creative solutions to rectify the situation. Finally, if the parties still cannot reach an agreement then the case goes before the CHRC's Tribunal. The Tribunal is a quasi-judicial body that makes a decision based on the investigation previously conducted. Thus, this process of going to the CHRC can be an employee's form of recourse against harassment should it be necessary. In a local government context this does not tend to be common practice as the majority of local government

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<sup>43</sup> *ibid.*

<sup>44</sup> *ibid.*

organizations have other forms of recourse available for employees.<sup>45</sup>

A code of conduct, set out by senior management, is the most common way in which organizations combat harassment.<sup>46</sup> The utility of the code of conduct is twofold: it gives the employer the flexibility to make the policy as strict as they feel is necessary and when it is launched and implemented properly, it also tends to be both accessible and understandable by all employees. A truly effective code of conduct can also be understood as a sort of 'action plan' in that it acutely lays out the organization's expectations and procedures concerning harassment.<sup>47</sup> First, a good code of conduct should articulate what harassment is, so that employees understand what are acceptable and unacceptable behaviours. Then the code of conduct should develop anti-harassment policies and procedures for both employees and management; this can involve the course of action that has to be taken when a harassment claim is initiated. Furthermore, a good policy also includes the use of advisors, mediators, and investigators and will even name the individuals who will take on these roles.<sup>48</sup> Thus, through this policy, all employees are aware of who to turn to for help and what is involved when they are making a harassment claim. It is

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<sup>45</sup> Public Service Human Resources Management Agency of Canada. *Op. Cit.*

<sup>46</sup> Kontorovich, E. *Op. Cit.* P. 494.

<sup>47</sup> Canadian Human Rights Commission. *Op. Cit.*

<sup>48</sup> Paludi, Michele A., & Barickman, Richard B. (1991) Academic and Workplace Sexual Harassment. (Albany NY: State of New York Press). P. 43.

important to note that the only way a code of conduct can be effective is if all employees are aware of it, and if there are systems implemented for monitoring the effectiveness of the anti-harassment policy.<sup>49</sup> In a local government context most organizations have a code of conduct in place<sup>50</sup> so the majority of these employees are protected by their organizations' policies.

Another common way that harassment is combated is through collective agreement language and this is common practice in local government organizations. When one is a member of a union they are protected by a collective agreement and a collective agreement can best be understood as a legally binding contract between employees and management which allows both parties to engage in collective bargaining.<sup>51</sup> The bargaining is the decision-making process in which union and management negotiate wages, benefits, working hours, and other employment conditions. The result of this bargaining is a new collective agreement which will hold both the employer and the employee accountable for their actions pertaining to issues agreed upon in the collective agreement.

The majority of local government collective agreements address the issue of workplace harassment however empirical evidence shows that there is not one set model clause used by

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<sup>49</sup> Peyton, Pauline Rennie.(2003) Dignity at Work: Eliminate Bullying and Create a Positive Working Environment. (New York, NY: Brunner-Routledge Publishing). Pp. 79-80.

<sup>50</sup> Public Service Human Resources Management Agency of Canada. Op. Cit.

<sup>51</sup> Krahn, H.J., & Lowe, G.S. (Eds.). (2002) Work, Industry & Canadian Society. (Scarborough, On.: Thomson Nelson Canada Ltd.) P.356.

the different organizations.<sup>52</sup> According to the head office of CUPE, harassment is a behaviour that unions would like to see eliminated from the working environment.

CUPE locals have shown a lot of ingenuity in bargaining to combat workplace harassment and violence. That creativity is reflected in many of their collective agreements. For example, locals have bargained language that prohibits harassment and violence in its many forms and language that refers to health and safety legislation. Many CUPE agreements provide detailed definitions of harassment and violence and step-by-step procedures for resolving grievances and disputes. There are prohibitions against harassment on the basis of union membership and activity, and prohibitions against working alone. There is language that calls for the investigation of violent incidents, support and counseling for victims, the establishment of Employee Assistance Programs, and the establishments of health and safety committees.<sup>53</sup>

Thus, some union bargaining units are working diligently to include harassment policies in their collective agreements and this offers employees a great deal of protection and recourse.

#### **What do Targets of Harassment Want from Their Organization?**

As outlined above, there are many ways that local government organizations fight harassment in the workplace, but what is it that the targets of the abuse want from their organization? Quite simply, the targets want a network of support. In a 2004 study conducted by the *Centre for Research on*

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<sup>52</sup> MacArthur, Anne. (2005). "Is Collective Agreement Language Working to Protect Employees from Harassment in the Current Local Government Working World?" Discussion paper submitted to Dr. Agocs, University of Western Ontario.

<sup>53</sup> Canadian Union of Public Sector Employees. "Bargaining Equality: A Workplace for All Harassment and Violence". Online March 15<sup>th</sup>, 2005. [http://www.cupe.ca/updir/BE\\_EN\\_G.pdf](http://www.cupe.ca/updir/BE_EN_G.pdf). Pp.2-3.



*Violence Against Women and Children*, targets of workplace harassment were questioned about what they would change in their workplace in order to stop and remedy the harassment.

Many of the women who reported their sexual and non-sexual workplace harassment recounted not knowing where to get information about workplace, union and legal polices (*sic*) and procedures, being frustrated with slow-moving legal and human rights processes, being shocked with the cost of legal and human rights proceedings and not knowing who they could trust...[People] need a place and / or people where they can turn to get answers for their questions and help with their grievances and human rights procedures. Women pointed to the need for an advocate to help them work their way through their complaint of workplace harassment. Others mentioned the importance of union support.<sup>54</sup>

Thus the processes that are used to combat harassment, which have been outlined in this chapter, are essential for the protection of workers. Alone, each form of recourse is used to aid an injured party, but intertwined, these methods weave a fabric of awareness, support and ultimately protection.

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<sup>54</sup> Carr, Jacquie, *et. al.* (2004). "Workplace Harassment and Violence Report". *Centre for Research on Violence Against Women and Children*. University of Western, London, Ontario. Pp 9-10.

## **Chapter 4: Craig's Theoretical Framework**

### **Understanding Industrial Relations:**

The study of industrial relations (IR) in Canada is a complex field with many actors and issues in constant conflict. According to Alton Craig, a longtime member of the Faculty of Administration at the University of Ottawa and a globally respected Industrial Relations theorist, industrial relations can be defined and understood is as:

A broad term that may refer to relations between union and management, unions themselves, management and government, unions and government, or between employers and unorganized employees. Within this definition, specific attention may be directed toward industrial conflict and the formulation of work rules or agreements.<sup>55</sup>

In the world of IR, the different actors are constantly interacting with each other in order to maximize their wants and needs through formal bargaining processes, informal encounters and legislative regulations. In order to analyze IR in the most holistic manner, the analysis should be approached through an open systems theory wherein "a subject matter consists of a set of interrelated factors operating in a larger environment".<sup>56</sup>

Furthermore, in the case of assessing local government collective agreement harassment language, it can best be analyzed under the lens of Craig's theory of industrial relations; a structural-functional approach.

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<sup>55</sup> Craig, Alton, W. & Soloman, Norman, A. *Op. Cit.* P. 473.

<sup>56</sup> *Ibid.* P. 2.

### **Craig's Framework for Analyzing Industrial Relations: A Structural Functional Approach**

According to Craig, the main concerns of any Industrial Relations system are the allocation of rewards to employees and the physical and varying conditions wherein work is conducted.<sup>57</sup> These concerns and processes are the foundation upon which Craig rests his theoretical framework for understanding Industrial Relations. The theoretical framework is of a loop-construct with four main components: (1) the internal inputs, which are goals, values and powers of the actors in the system; (2) the private and public processes used to convert the inputs into outputs; (3) the outputs, comprising the material, social and psychological rewards workers receive in exchange for services; and (4) a feedback loop wherein the outputs flow into the environmental subsystem (for diagram refer to Appendix A).

#### **Component One: Internal Inputs, Goals, Values and power**

The first component of the framework, the internal inputs component, is the goals, values and powers of the actors in the system and the mechanisms they utilize to convert inputs into outputs.<sup>58</sup> The goals are the objectives or needs that a group or an individual seeks to achieve or satisfy; this is generally done through agreements.<sup>59</sup> In some instances, when a group has a goal, there may be individual members of the group who dissent from the goal and as such, it is important that the group work to

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<sup>57</sup> *Ibid.* P. 2.

<sup>58</sup> *Ibid.* P. 3.

<sup>59</sup> *Ibid.* P. 5.

meet the needs of as many members as possible. Some theorists argue that the goals of individuals or groups are merely motivations toward achieving a hierarchy of needs,<sup>60</sup> but the issue remains that within the working world a positive organizational climate is tantamount to groups meeting their goals.

Within the goals, values and power component of Craig's model the power flows from the goals and the values. Moreover, when collective bargaining occurs in the Industrial Relations setting, the power struggle between both sides is essential for the IR system to function. "Bargaining power is the pivotal construct for the general theory of bargaining....power pervades all aspects of bargaining and is key to an integrative analysis of context, process and outcome."<sup>61</sup> As such, what this power struggle means is that there is a need for a 'bargaining zone' for both management and union to reach a settlement in a constructive manner. Now that this discussion has shed some insight on Craig's internal factors of the IR system, it is necessary to understand the external conditioning of inputs into the system.

#### **Component Two: Organizational and Worker Outputs**

The preceding internal inputs lay the foundation for the organizational and worker outputs in the IR system. These

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<sup>60</sup> Abraham Maslow, a Human Relationist, argued that people are inherently driven by a hierarchy of needs. At the bottom of the hierarchy are physiological needs (food, sex, air), then security needs (stability at home and at work), then belongingness needs (friendships), then esteem needs (status, job title), and at the top of the hierarchy is the need for self-actualization (achievements and challenges being met). For further reading see: Maslow, Abraham, H. (1943). "A Theory of Human Motivation". *Psychological Review*. Vol. 50, Pp. 370-396.

<sup>61</sup> Craig, Alton, W. & Soloman, Norman, A. *OP. Cit.* P.7.

outputs include the actual production of goods but they also include the contractual relationships within the organization. Moreover, the organizational oriented outputs include management rights, union recognition, union security and dues check-off, whilst the worker oriented outputs include the wage and efforts of bargaining, job rights and due process and contingency benefits.<sup>62</sup> This is the component in the IR Systems Theory where collective agreements and collective agreement language go through the bargaining process. The result of that bargaining influences the external subsystems which in turn influence the actors and their internal inputs.

### **Component Three: The Influence of External Subsystems**

There are five external subsystems in the IR theory which influence the actors (labour, government and private agencies and management) and their internal inputs (again the goals, values and power). The five subsystems are: ecological, economical, political, legal and social. The ecological subsystem involves an organization's physical surroundings, the natural resources needed and the climate in which the organization must operate. The economic subsystem involves the product, labour and money market, as well as the influence of technology. The political subsystem involves the role of legislative and executive actions and pressures on the organization. Finally, the social subsystem

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<sup>62</sup> *ibid.* P. 3.

involves the "goals and values as influence on actors in the IR system"<sup>63</sup> as well as social structures and public opinion pressure.

The external subsystems work as one of the primary influencing factors of collective bargaining because they set the tone for what will be negotiated. For example, if inflation had become a major concern in the economic subsystem then higher wages would likely be a collective bargaining issue. As such, understanding the role of these subsystems is essential to understanding Industrial Relations and for predicting what each actor in the IR world requires.

#### **Component Four: The Actors**

Finally, the most important component in the Systems Theory is the actors who are involved in Industrial Relations. The actors include both labour and management, as well as varying government and private agencies. The internal inputs, organizational and worker outputs, as well as the external inputs all influence the manner in which each of the actors will think and behave. Concomitantly, each of the actors has their own goals and achieving those goals is of the up-most importance (be it through higher levels of production for management or safer working conditions for labour). Overall, the actors influence the IR system, but the IR system also influences the actors.

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<sup>63</sup> *Ibid.* P. 3.

## Conclusion

Over the years, Systems Theory has been met with criticism arguing that the theory rests on the assumption that there is harmony among all the actors,<sup>64</sup> however, according to Craig:

The theoretical framework presupposes neither conflict nor harmony. [Rather] it enables both analyst and practitioner to observe the given situation to determine for themselves whether these situations are characterized by conflict or harmony, stability or instability.<sup>65</sup>

Thus, this Systems Theory is useful in that it gives researchers a framework with which to examine the many aspects of Industrial Relations. In the analysis to follow, collective agreement harassment language will be examined through Craig's lens, in order to get the most holistic interpretation of the data and to understand where collective agreement harassment language fits in the realm of IR.

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<sup>64</sup> *ibid.* P. 6.

<sup>65</sup> *ibid.* Pp. 6-7.

### **Chapter Five: Methodology for the Research**

The goal of this paper is to explore local government collective agreement harassment language in order to get a better understanding of the level of awareness and protection local government unions offer their employees. Thus, in order to get an understanding of the collective agreement harassment language situation in Canada, many collective agreements needed to be examined for this study.

The data for this study was primarily extracted from the Canadian federal government's database of collective agreements (Negotech).<sup>66</sup> From this database, 250 collective agreements have been examined and their harassment policies evaluated based on the level of protection each agreement offers the unionized employees. Each agreement's harassment policy has been given a ranking of either 0, 1 or 2. A ranking of 0 means that there is either no mention of harassment in the collective agreement, or the harassment clause is not as comprehensive as the Canadian Human Rights Commission's definition. A ranking of 1 means that the harassment clause mirrors the CHRC's definition. Finally, a ranking of 2 means that the harassment definition is more comprehensive than the CHRC's and/or the collective agreement outlines processes and procedures for the injured party to undertake, through the union, in order to rectify the situation.

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<sup>66</sup> Negotech is available online at:  
[http://206.191.16.137/gol/indexm\\_e.shtml](http://206.191.16.137/gol/indexm_e.shtml)



It is also important to note the timeline of the agreements. The oldest agreements took effect in 1995 whilst the longest-lasting agreements expire in 2009. The majority of the agreements (roughly 90 percent), have been codified between 2000 and 2005 and have a lifespan of 2 to 4 years. Of the agreements examined, 200 are from organizations that can be considered either wholly or partially a 'local government organization'. Of these 200 agreements, each fall into 1 of 7 categories:

1. Public Libraries (14 of 200)
2. Cities, Towns, Regions or Municipalities (65 of 200)
3. Colleges and Universities (31 of 200)
4. School Boards (24 of 200)
5. Police and Police Services Boards (21 of 200)
6. Firefighters and Firefighters Associations (25 of 200)
7. Hospitals (20 of 200)<sup>67</sup>

### **Methodology of the Selection**

Of the 7 categories, Public Library agreements have proven the hardest to obtain, and as a result, this researcher has only been able to evaluate 14. Conversely, Cities, Towns, Regions and Municipalities have been easily obtained; these agreements are also considered truly 'local government' thus helping to paint a more holistic picture of the phenomenon being analyzed.

In addition to the 200 local government agreements being evaluated, 50 private sector agreements have also been evaluated in order to contrast their results with the local government agreements' results. Moreover, these 50 private

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<sup>67</sup> Refer to Appendix B "Table of Harassment Clause Research" for a complete list of the agreements.

agreements have been used as a tool to help better understand if public sector unions are taking a more proactive approach to addressing harassment than private sector unions. Furthermore, the 50 private sector collective agreements have been chosen based on their diversification in geographic regions, employment sectors and unions. Once all the agreements had been analyzed, their mean scores were tabulated<sup>68</sup> in each of their respective groups and then the mean scores were tabulated for all of the public local government agreements.

### **Limitations**

There are two main limitations in this research design. The first limitation in the design is that the study rests on the assumption that all unions should be addressing harassment issues. Moreover, because all non-management employees in a 'union shop' must pay union dues, then unions should be providing the most comprehensive services for those dues. As well, because workplace harassment is an issue that has changed dramatically over the past 15 years, it is a pertinent variable to use in order to assess if unions are in fact being proactive in protecting their employees. Critics of this study would argue that many organizations combat harassments through legal methods other than collective agreements (as discussed in chapter 3), however, because unions offer a monopolistic paid service to their

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<sup>68</sup> The format for computing the mean scores follows O'Sullivan *et. al.* format. For further information see: O'Sullivan, Elisabethann. *et. al.* (2003). Research Methods for Public Administrators. (New York, NY. Addison, Wesley Longman Inc.)

members, it only stands to reason that the unions should be working to provide the best possible services and protection to all of the members.

The second limitation in this study involves the coding process of the harassment language. Because this researcher manually examined each agreement and assessed its individual harassment policy, there is some margin of human error. However, in an attempt to rectify this limitation, each agreement has been reviewed twice and during the coding process each agreement was noted (refer to appendix B). The second reading of the agreements has proven helpful in identifying where an agreement might have been coded incorrectly and the notes have been periodically reviewed in order to assess if the coding differed from day-to-day. This researcher does acknowledge that there could have been some human error through the coding process, however attempts have been made to address and rectify this problem. On a related note, 200 local government agreements were reviewed in order to get a large sample with a small margin of error.

## **Chapter Six: Results of the Research**

### **Introduction:**

As explained in the methodology, each of the 250 agreements was given a coding value of either 0, 1 or 2. The original hypothesis for the results was that the mean score of the local government agreements would fall just below 1 (somewhere around 0.80) and that the private agreements' mean score would rank just below this (somewhere between 0.50 to 0.70). The rationale behind this hypothesis is twofold: first, the mean score of the public agreements would fall just below 1 because many local government organizations have other methods of harassment recourse, and in turn do not have a harassment clause in the collective agreement. The second rationale for the hypothesis is that the private collective agreements' mean score would be lower than that of their public counterpart because public organizations have a history of being more proactive in human rights issues than private companies. Furthermore, historically it is the public sector who 'sets the tone' for equitable employment practices.<sup>69</sup> As such, within the public sector, organizations, unions, management and labour have all worked together to be progressive in human rights issues.

### **Results of the Research**

The results of the research and analysis are as follows:

1. Public Libraries: mean score of 0.86667

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<sup>69</sup> Fritz, Fabricius. (1992). Human Rights and European Politics : The Legal-Political Status of Workers in the European Community. (New York: N.Y. St. Martin's Press). Pp 136-145.

2. Cities, Towns, Regions and Municipalities: mean score of 0.51852
3. Colleges and Universities: mean score of 1.1875
4. School Boards: mean score of 0.80
5. Police and Police Boards: mean score of 0.05
6. Firefighters and Firefighters Associations: mean score of 0.34615
7. Hospitals: mean score of 0.6667
8. Private Companies: mean score of 0.41176

### **Analyzing and Explaining the Results**

#### **1. Public Libraries**

The Public Libraries were the first group to be assessed in this study. With a mean score of 0.86667 this group's score fell directly in the hypothesized range. Within this group, each agreement examined made some reference to either harassment or discrimination, however many of the agreements fell short of the Human Rights Commission's definition of harassment. This researcher would suppose that because Public Libraries are the repository of information, and because the vast majority of Librarians are female,<sup>70</sup> these two factors have contributed to each agreement having some reference to harassment or discrimination. As a whole, this group's score would be labeled as 'average to mediocre' and it is of the opinion of this researcher that the unions representing this group need to work more

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<sup>70</sup> Harris, Roma, & Wilkinson, Margaret Ann. (2004). "Situating Gender: Students' Perceptions of Information Work". *Information, Technology and People*. 17 (1) 71-86. Pp. 74.

diligently to get more comprehensive harassment language into their agreements.

## **2. Cities, Towns, Regions and Municipalities**

This has been the largest group to be examined with a total of 65 agreements. The mean score for this group is 0.51852 which is roughly 0.3 below the hypothesized score. The main factor which lowered this group's score was that there was much discussion of 'no discrimination' whilst no mention of harassment. However, those agreements that did mention harassment generally did so in comprehensive terms with processes outlined for the union and employees to undertake to rectify the problem. It is also important to note that of the 65 agreements examined in this group only 5 agreements made absolutely no reference to discrimination. As such, although this group's score is lower than anticipated, there is evidence showing that unions are making an effort to at least address discrimination.

## **3. Colleges and Universities**

Of all the groups examined, the Colleges' and Universities' mean score is the highest with 1.1875; almost 0.4 higher than the hypothesized score. Of the 31 agreements in this group, only one agreement made no reference to harassment or discrimination. Contrastingly, 16 of the 31 agreements not only defined harassment in comprehensive terms but also outlined processes for the target to take through the union. This researcher would assert that the reason why this group has the highest score is that Colleges and Universities are the bastions of research and ideas,

and as such, this group would most likely be the first group to accept and adopt codified unionized policies addressing human rights issue such as harassment.

#### **4. School Boards**

Of the 200 public agreements examined, 24 are from School Boards all across Canada. The mean score for the School Board group is 0.80, which coincidentally is the hypothesized score. Thus, an assumption can be made about this group stating that they are more than likely following the classic organizational ways to rectify workplace harassment; through workplace policies, codes of conducts and collective agreements. It is also important to note that only 2 agreements in this group made absolutely no reference to 'no discrimination'.

#### **5. Police and Police Boards**

The Police and Police Boards group scored the lowest of all the groups with a mean average of 0.05. In total, 21 Police collective agreements have been analyzed and of those 21 agreements only one defined harassment but this agreement still did not outline processes for the union to take in order to rectify the situation. Nevertheless, what is interesting about this group is that virtually every agreement has an indemnification clause in effect. Indemnification (or indemnity) can be understood as:

An agreement by one person (X) to pay to another (Y) sums that are owed, or may become owed, to him by a third person (Z). It is not conditional on the third person defaulting on the payment, i.e. Y can sue X without first demanding payment from Z.<sup>71</sup>

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<sup>71</sup> Martin, Elizabeth A.. "Indemnity" *A Dictionary of Law*. Ed. Oxford University Press, 2002. *Oxford Reference Online*. Oxford University

In the following chapter, indemnification will be explained further. However, as a whole, the Police Unions and Police Boards appear to be working to keep harassment clauses out of their agreements which would be an interesting topic worthy of further investigation.

### **6. Firefighters and Firefighter Associations**

25 Firefighter agreements have been examined, with a mean score of 0.34615. This score ranks well below the hypothesized score, but is still significantly higher than the Police group score. Furthermore, with respect to the Police indemnification clauses, the Firefighters' Associations also have indemnification clauses in many of their collective agreements. As such, this would lead a researcher to deduce that the nature of the work of firefighting warrants more attention be placed on the legal protection of all workplace actions, rather than the personal protection of the Firefighters.

### **7. Hospitals and Health Care Institutions**

20 Hospital and Health Care Associations' collective agreements have been examined and the mean score of this group is 0.66667. This score falls just shy of the hypothesized score, however there are some interesting variations in this group. All of the agreements examined, the Ontario Nurses' Association is the Union that addresses harassment languages and processes comprehensively. Contrastingly, the majority of all the other



agreements in this group fall short of the HRC's definition of harassment. This researcher would speculate that because nursing is female-dominated profession, this has had some effect on Nurses' Associations having strong collective agreement harassment language.

### **8. Private Companies**

Throughout the selection process of the Private Companies group, many attempts have been made to get a diversified sample. Rather, of the 50 agreements in this group there are agreements from the automotive and industrial sectors, the food and hospitality sectors, various research and development agencies as well as trade and retail organizations. The mean score for this group is 0.41176 which is just below the hypothesized mean of 0.50 to 0.70. Within this group the majority of the agreements scored a rating of 0, but what is interesting is that it is the Canadian Auto Workers Union (CAW) which raises the mean score for this group. Furthermore, of all the 250 agreements examined, the CAW had not only the best definitions of harassment, but also the clearest-laid out processes for employees and management to follow as well as the most comprehensive union protection.

### **Conclusion**

Overall, the majority of the mean scores fell close to, or just under the hypothesized score. There appears to be certain patterns of harassment language in different sectors of local government organizations. As well, it appears that the private

sector is not quite as proactive as local government organizations when it comes to harassment language. The following chapter is an attempt to draw conclusions from the results of the research.

## **Chapter 7. Conclusions Drawn from the Results of the Research**

### **Apparent Patterns: (1) Police, Firefighters and Indemnity Clauses**

When evaluating the results, it is important to discuss the apparent patterns in the varying collective agreements. The patterns which first became evident were those of the Police and Firefighter groups and their lack of harassment language. As discussed previously, the indemnification clauses appear to be dominant in these agreements instead of the harassment clauses. Thus, one appropriate way to assess this is by understanding the Police and Firefighters' need for indemnification in the context of Craig's theoretical framework.

As Craig puts forth in his Systems Theory, the world of Industrial Relations can best be understood as a 'loop-like' system; each action influences another action which will feedback and influence the first action again. With respect to Police and Firefighters, their professions revolve around risk and risk reduction. Consequently, employees in both professions encounter daily situations where there is constant danger and the need for quick reactive responses. As such, this type of working environment is a veritable cauldron for damages and injuries to be inflicted on both the Firefighters and the Police, and also the members of the public at large. Thus, the unions and management in these professions quite possibly view indemnification clauses as a more efficient method of addressing

undesirable situations. Furthermore, because the indemnity clauses provide a comprehensive form of protection for employees, these clauses can be used in both high-risk situations involving the public, and harassment incidences occurring within the organizations. Overall, because the nature of the work influences both the internal values of the employees and the external environment in which the employees work, indemnity is the most appropriate method to address high-risk and undesirable situations.

## **(2) Hospitals: Nurses Associations and their Comprehensive Harassment Clauses**

The second pattern to become apparent during the research process is the Nursing Unions and their comprehensive definitions and processes of addressing harassment. Of all of the agreements in the Hospital group, the Nurses Associations are consistently vigilant in their fight against harassment. Conversely, the other Hospital agreements tend to make no reference to harassment. When assessing this in the context of Craig's theory, it can be understood that because Nursing is a female-dominant profession, the members of the unions tend to be women. Furthermore, women generally tend to be the targets of sexual and other forms of harassment.<sup>72</sup> Thus an internal value for the Nursing profession would be the elimination of workplace harassment. This value then influences the negotiation process

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<sup>72</sup> Namie, Gary. & Namie, Ruth. *Op. Cit.* P. 97.

and in turn harassment language and processes are comprehensively outlined in the collective agreements.

### **(3) Colleges, Universities and Their Strong Harassment Language**

As stated in the previous chapter, the Colleges and Universities group has the highest score of all the groups. When assessing this in the context of Craig's framework the rationale behind this can be better understood. The internal values at Colleges and Universities are influenced by the work done in these institutions; Colleges and Universities are the reposes for research and education in sciences, arts and humanities. Thus, because the work being conducted in these institutions involves acquiring a better understanding of the world and ways in which to ameliorate the world, it only stands to reason that members of these organizations would value progressive human rights contracts. Concomitantly, these internal values of equality and understanding influence the collective bargaining and the bargaining produces contracts which are rich with anti-discrimination and anti-harassment language. Furthermore, when looking at Systems Theory in a societal context, the Colleges and Universities internal values have the propensity to affect all segments of the working population.

### **(4) Cities, Towns, Municipalities and Regions, Libraries and School Boards: Are These Organizations Using Varying Methods of Harassment Recourse?**

As stated in the previous chapter, the Cities group, the Libraries group and the School Boards group all had average to mediocre mean scores. This then raises the question: Why are these scores average to low? One explanation for this is that many of the organizations that make up these groups use forms of harassment recourse outside of the collective agreement.

According to one source from a Canadian city organization:

We don't have harassment addressed in our collective agreement because we address it in our corporate policy. I suppose we could have it included in the collective agreement, but to be truthful, in my experience I've never encountered any need for harassment to be addressed through the union.<sup>73</sup>

Thus, in some instances, the issue of harassment is addressed through methods outside of the collective agreement.

#### **(5) Private Organizations**

Of all the agreement groups examined, the Private Organizations group has proven to be most interesting in that they had the greatest variation from sector to sector. Moreover, the majority of the unions did not address harassment, whilst the CAW addressed harassment in the most comprehensive terms of all the agreements examined. With respect to Craig's Theory, it can be ascertained that because the CAW is a powerful organization, with internal values to protect labour, their comprehensive harassment policies have been a product of their pro-labour ideology. However, with respect to the other private

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<sup>73</sup> Anonymous. City Employee and Representative. *Interview*. Conducted July 4<sup>th</sup>, 2005.

unions that tend to have no harassment agreements, these organizations quite possibly do not internally value addressing harassment issues through the Unions.

### **Conclusions**

There have been great variations in the language in many of the agreements examined. Craig's Systems Theory is a valuable tool to use in order to better understand the context of the agreements. Subsequently, once the agreements can be adequately understood, then informed recommendations can be made about the ways to ameliorate the situations and the agreements.

## **Chapter 9. Final Conclusions**

### **Is Local Government Collective Agreement Harassment Language Working to Protect Unionized Employees?**

The purpose of this paper has been to address the preceding question and to better understand the phenomenon of workplace harassment. Is local government collective agreement harassment language working to protect unionized employees? The evidence collected suggests, paradoxically, yes and no. Yes, as a whole, local government unions are working to protect employees from harassment as compared to private organizations. It appears throughout the research that the public sector unions tend to be more progressive in addressing issues of harassment as opposed to that of the private sector. However, it also appears that public sector unions could be offering their members much more protection than currently provided. In this researcher's opinion, each union should be offering their members a comprehensive definition of harassment and comprehensive processes for the target to take through the union. However, in the current local government working world, this is not the case for all unions and employees.

### **Recommendations for the Future**

One way in which local government unions could better represent their members is through organizational learning. Throughout the research process of this paper, it became increasingly apparent that there tends to be an absence of organizational learning in local government unions. Moreover,



union head offices provide many learning tools for locals,<sup>74</sup> but many locals do not utilize the learning resources. Thus, in order to better address the issue of harassment, it would be prudent for local government unions, members and management to get more involved in educating those individuals about how unions can combat harassment.

A second way local government unions can better represent their members is by forming coalitions with other groups in the labour community. In essence, if the labour unions were to come together and lobby to have collective agreement harassment language available for all local government organizations, this could then create better protection for all employees in this field. Although this recommendation would take time and energy to coordinate, it would be truly beneficial to all people in the unionized working world.

A third way local government unions and organizations could improve their harassment language would be to follow the Human Rights Commission's handbook on creating effective anti-harassment language. The HRC has booklets that both unions and organizations can utilize to improve their human rights protection clauses. This in turn could offer employees, management, unions and the organizations an explicit method of addressing harassment and human rights violations.

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<sup>74</sup> Anonymous. Public Sector Union Head Office Representative. *Interview*. 2005.

### **Conclusion: A Look to the Future**

Throughout this research paper an attempt has been made to shed light on the ways in which unions protect their members from harassment. It appears that many local government unions provide their members with comprehensive collective agreement clauses, however, many other local government unions offer their members no protection at all. It is of the opinion of this researcher that it would be prudent to conduct a further study on local government harassment policies; a study that would examine all the ways a sample population of local government organizations protect their employees from harassment. This study could help better explicate the state in which harassment is being addressed in these organizations. However, from the results of the preceding research, it does appear that many unions in the local government realm are working to protect their employees from harassment; but there is still room for improvement.

## **References**

Anonymous. City Employee and Representative. *Interview*. Conducted July 4<sup>th</sup>, 2005.

Anonymous. (2005). Public Sector Union Head Office Representative. *Interview*.

Applebaum, Herbert, A. (1992). The Concept of Work: Ancient, Medieval, and Modern. Albany, NY. State University of New York Press.

Baron, Robert A., & Neuman, Joel H. (1998). "Workplace Aggression—the Iceberg Beneath the Tip of Workplace Violence: Evidence on its Forms, Frequency, and Targets". *Public Administration Quarterly*. 24 (1) 446-464.

Bassman, E. (1992) Abuse in the Workplace: Management Remedies and Bottom Line Impact. Westport, Ct: Quorum Publishing.

Brown, Trevor. (2003). "Sexual Orientation Provisions in Canadian Collective Agreements". *Relations Industrielle*. Quebec. 58 (4). 644-665.

Brown-John, Dr. Lloyd. (2002). "The History of the Labour Movement". Lecture given at the University of Windsor Ontario.

Brown-John, Dr. Lloyd. (2002). Public Personnel Management. Kingsville: ON. Brohurst and Associates.

Burnett, Katy. (2004) "Management and Labour Can Work Together". *Canadian HR Reporter*. 17, 191-193.

Calhoun, Craig. "Labor Union" Dictionary of the Social Sciences. ed. Oxford University Press 2002. *Oxford Reference Online*. Oxford University Press. University of Western Ontario. July 8th 2005

Canadian Association of Professional Employees. "EC Negotiations – Harassment". Online June 15<sup>th</sup>, 2005. [http://www.acep-cape.ca/en/ecNews/harcellement\\_e.htm](http://www.acep-cape.ca/en/ecNews/harcellement_e.htm).

Canadian Auto Workers. "2004 Update: Union Membership in Canada". Online April 11<sup>th</sup>, 2005. [http://www.childcareadvocacy.ca/resources/pdf/union\\_update2004\\_e.pdf](http://www.childcareadvocacy.ca/resources/pdf/union_update2004_e.pdf)

Canadian Human Rights Commission, (The). "Anti-Harassment Policies". Online March 31<sup>st</sup>, 2005. [http://www.chrc-ccdp.ca/publications/anti\\_harassment\\_toc-en.asp#intro](http://www.chrc-ccdp.ca/publications/anti_harassment_toc-en.asp#intro)

Canadian Human Rights Commission. (1985). "Discriminatory Practices and General Provisions". Online May 20<sup>th</sup>, 2005. <http://laws.justice.gc.ca/en/h-6/31543.html>

Canadian Human Rights Commission. "Grounds of Discrimination". Online May 20<sup>th</sup>, 2005. <http://www.chrc-ccdp.ca/discrimination/grounds-en.asp>

Canadian Union of Public Sector Employees. "Bargaining Equality: A Workplace for All Harassment and Violence". Online March 15<sup>th</sup>, 2005. [http://www.cupe.ca/updir/BE\\_EN\\_G.pdf](http://www.cupe.ca/updir/BE_EN_G.pdf).

Canadian Union of Public Sector Employees. "Collective Bargaining Series for Women: #1 Sexual Harassment". Online May 16<sup>th</sup>, 2005. <http://www.nupge.ca/publications/Women%20CBAC/wom%20SexualHarrassment.pdf>

Canadian Union of Public Sector Employees. "Equality is the Essence of CUPE". Online July 5<sup>th</sup>, 2005. <http://www.cupe.ca/www/Equality/8892>

Carr, Jacquie, *et. al.* (2004). "Workplace Harassment and Violence Report". *Centre for Research on Violence Against Women and Children*. University of Western, London, Ontario.

Commission des Normes du Travail, Quebec. "A Work Environment Free From Psychological Harassment: It's Everyone's Business" Online June 24<sup>th</sup>, 2005. [http://www.cnt.gouv.qc.ca/en/gen/publications/pdf/c\\_0246a.pdf](http://www.cnt.gouv.qc.ca/en/gen/publications/pdf/c_0246a.pdf)

Cornfield, Daniel, B. (2001). "Shifts in Public Approval of Labour Unions in the United States, 1936-1999." *Guest Scholar Poll Review*. The Gallup Organization. Available online at: [www.gallup.com](http://www.gallup.com).

Craig, Alton, W. & Soloman, Norman, A. (1993). The System of Industrial Relations in Canada. 4<sup>th</sup> Ed. Scarborough On. Prentice-Hall Canada Inc.

Cox, S. A. (1999). "Group Communication and Employee Turnover: How Coworkers Encourage Peers to Voluntarily Exit". *Southern Communication Journal*, 64, 181-192.

Di Martino, Vittorio, & Musri, Mohtar. (2001). Guidance for the Prevention of Stress and Violence at the Workplace. Kuala Lumpur, Malaysia. Department of Occupational Health and Safety.

Djurkovic, Nikola. *et. al.* (2004) "The Physical and Psychological Effects of Workplace Bullying and Their Relationship to Intention to Leave: A Test of the Psychosomatic and Disability Hypothesis". *International Journal of Organization Theory and Behaviour*. 7 (4) 469-497.

Dozier, Rush W. (2002). Why We Hate: Understanding, Curbing, and Eliminating Hate in Ourselves and Our World. Chicago: IL. Contemporary Books.

Evans, Patricia. (1996). The Verbally Abusive Relationship: How to Recognize it and How to Respond. 2<sup>nd</sup> Ed. Holbrook: M.A., Adams Media Corporation.

Freeman, Orville, L. (1967). "Malthus, Marx and the North American Breadbasket". *Journal of Foreign Affairs*. New York. (45)4 579-594.

Fritz, Fabricius. (1992). Human Rights and European Politics : the Legal-Political Status of Workers in the European Community. New York: N.Y. St. Martin's Press.

Gonick, Cy. *et. al.* (1995). Labour Gains, Labour Pains: 50 Years of PC 1003. Winnipeg, MB. Society for Socialist Studies/Fernwood Publishing.

Gupta, Neena. (2004). "Quebec Legislation Against Psychological Harassment had Nation-Wide Implications". Online March 18<sup>th</sup>, 2005.  
<http://www.hrmguide.net/canada/law/psychologicalharassment.htm>

Harris, Roma, & Wilkinson, Margaret Ann. (2004). "Situating Gender: Students' Perceptions of Information Work". *Information, Technology and People*. 17 (1) 71-86. pp. 74.

Human Resources Development Canada.(2000) "Workplace Information Directorate 2000". *Directory of Labour Organizations in Canada*. Hull, QC:HRDC.

Infante, D. A., & Gorden, W. I. (1985). "Superiors' Argumentativeness and Verbal Aggressiveness as Predictors of Subordinates' Satisfaction". *Human Communication Research*. 12, 117-125

Institute for Workplace Trauma and Bullying. Online March 27<sup>th</sup>, 2005. [www.bullybusters.org](http://www.bullybusters.org)

Kalliola, Satu. (2005). "Confronting a Changing Economy: Union Responses in Finland". *Journal of Economic and Industrial Democracy*. 26 (2). 257-276.

- Kontorovich, E. (2001). "The Mitigation of Emotional Distress Damages". *University of Chicago Law Review*, 68, 491-520
- Krahn, H.J., & Lowe, G.S. (Eds.). (2002) Work, Industry & Canadian Society. Scarborough, On.: Thomson Nelson Canada Ltd.
- Lewis, Gerald W., & Zare, Nancy C. (1999). Workplace Hostility: Myth and Reality. Philadelphia P.A.: Accelerated Development.
- Lipman-Blumen, Jean. (2005). "The Allure of Toxic Leaders: Why Followers Rarely Escape Their Clutches". *Ivey Business Journal*. Jan/Feb.
- Lockhart, K. (1997). "Experience from a Staff Support Service". *Journal of Community and Applied Social Psychology*, 7, 193-198.
- Lutgen-Sandvik, Pamela. (2003) "The Communicative Cycle of Employee Emotional Abuse". *Management Communication Quarterly*. 16(4) 471-501.
- MacArthur, Anne. (2005). "Is Collective Agreement Language Working to Protect Employees from Harassment in the Current Local Government Working World?" Discussion paper submitted to Dr. Agocs, University of Western Ontario.
- Martin, Elizabeth A.. "Indemnity" A Dictionary of Law. Ed. Oxford University Press, 2002. *Oxford Reference Online*. Oxford University Press. University of Western Ontario. 14 July 2005 <<http://www.oxfordreference.com.proxy.lib.uwo.ca:2048/views/ENTRY.html?subview=Main&entry=t49.e1789>>
- Maslow, Abraham, H. (1943). "A Theory of Human Motivation". *Psychological Review*. Vol. 50.
- Namie, Gary. & Namie, Ruth. (2000). The Bully at Work. Naperville, Il. Sourcebooks, Inc.
- Namie, Gary. (2003). "Workplace Bullying: Escalated Incivility". *Ivey Business Journal*. Nov/Dec.
- Negotech. Federal Government Collective Agreement Database. Online March-July 2005.  
[http://206.191.16.137/gol/indexm\\_e.shtml](http://206.191.16.137/gol/indexm_e.shtml)
- Neuman, Joel H., & Baron, Robert A. (1998). "Workplace Violence and Workplace Aggression: Evidence Specific Forms, Potential Causes, and Preferred Targets". *Journal of management*. 24(3), 391-419.

Olsen, Walter. "When Sensitivity Training is the Law". *The Wall Street Journal*. New York. January 20<sup>th</sup>, 2003. Sec. F. 7.

O'Sullivan, Elisabethann. *et. al.* (2003). Research Methods for Public Administrators. New York: N.Y. Addison, Wesley Longman Inc.

Paludi, Michele A., & Barickman, Richard B. (1991) Academic and Workplace Sexual Harassment. Albany: N.Y.: State of New York Press.

Peyton, Pauline Rennie.(2003) Dignity at Work: Eliminate Bullying and Create a Positive Working Environment. New York N.Y.: Brunner-Routledge Publishing.

Public Service Commission of Canada. "Public Service Employment Act: Order Assessing to the Public Service Commission the Duty to Investigate Public Service Employee Complaints Respecting Personal Harassment". Online June 24<sup>th</sup>, 2005. <http://www.canlii.org/ca/regu/si86194/part165979.html>

Rogers, Kimberly Ann, & Chappell, Duncan. (2003). Preventing and Responding to Violence at Work. Geneva: International Labour Office.

Sexual Assault Centre London. (2002). Video. "The Way Forward: Rethinking the Problem of Workplace Sexual Harassment".

Sinclair, Upton. (1906). The Jungle. Available online at Berkeley Digital Library:  
<http://sunsite.berkeley.edu/Literature/Sinclair/TheJungle/>.

Taylor, Jeremy. (1949). "The Rand Formula". *Quarterly Review of Commerce*. 14(1) 139-160.

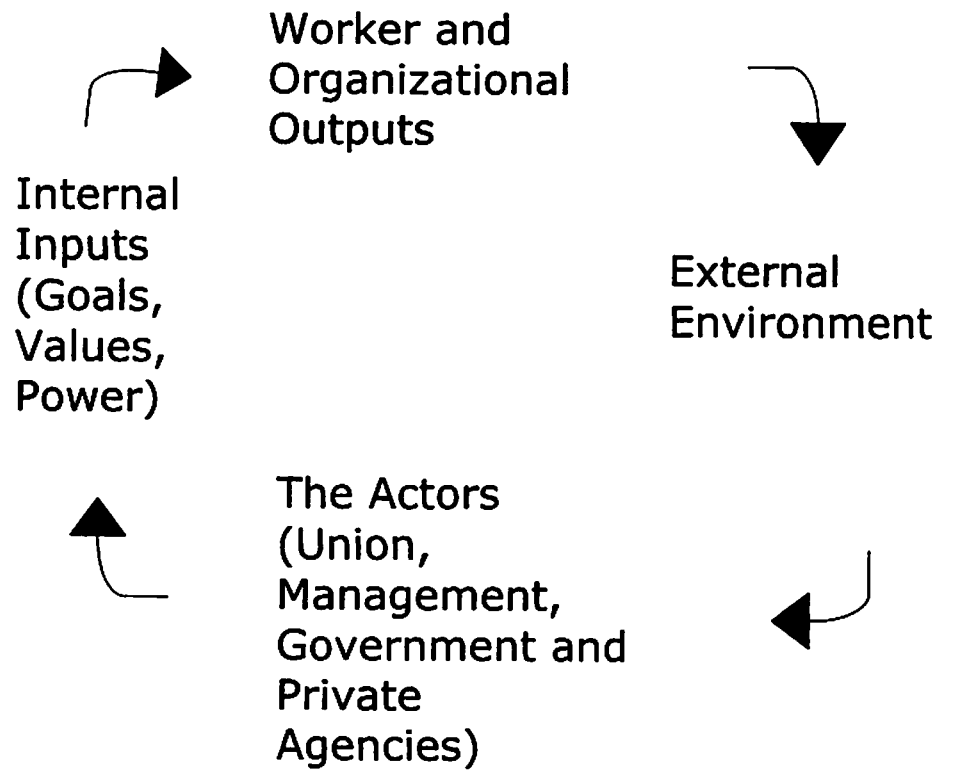
Upmeyer, Arnold. (1989). Attitudes and Behavioural Decisions. New York: N.Y. Springer-Verlag.

Viollis, Paul. (2005). "Most Workplace Violence is Avoidable". *Chicago: Business Insurance*. 39, 10-11.

Wainwright, David, & Calnan, Michael. (2002). Work Stress: The Making of a Modern Epidemic. Buckingham: U.K. Open University Press.

Zola, Emile. (1954). Germinal. New York, NY.: Penguin / Putman Ltd.

Appendix A: Craig's Framework of Industrial  
Relations Systems Theory





**Appendix B: Table of Harassment Clause Research**

<u>Name of Agreement</u>	<u>Negotec #</u>	<u>Ranking</u>	<u>Notes on Clauses</u>	<u>Date</u>
<b>Misc</b>				
Children's aid society of London and CUPE	1096405a	0	mention of 'no harassment' but no defn or processes	2003-2006
Children's aid society of the Niagara region and CUPE	1195603a	0	"no disc" but no mention of harassment	2003-2006
Catholic Children's Aid Society of Toronto and CUPE	0628810a	1	Reference made to "no harassment" but no processes	2002-2004
<b>Libraries</b>				
Burnaby Public Library Board and CUPE	0536607a	0	mention of sexual harassment, no defn and no processes	2000-2002
Calgary Public Library Board and CUPE	0536510a	2	strong defn of harassment and processes	2003-2006
Edmonton Public Library Board and the Civic Service Union	0177409a	1	defn mirrors HRC, no processes	2003-2005
Fraser Valley Regional Library and CUPE	0536909a	2	defn of sexual and regular harass. Process outlined	2001-2005
Halifax Regional School Board and CUPE	1221303a	2	strong defn of no disc/harassment and processes	2003-2006
Hamilton Public Library Board and CUPE	0535807a	2	defn of sexual and regular harass. Process outlined	1999-2001
Mississauga public library board and CUPE	1088603a	0	"No disc" mention of harassment but no defn	2001-2004
Okanagan Regional Library and CUPE	0866007a	0	"no disc" but no mention of harassment or processes	2004-2007
Ottawa Pub. Library Board & the Ottawa-Carleton Public Employees Union	1270401a	1	"no disc and harassment" refers to HRC	2001-2003
Richmond Public Library and CUPE	0791306a	0	no mention of harassment	2003-2006
Saskatoon Public Libray Board and CUPE	0786206a	0	"No disc" but no mention of harassment	2001-2004
Surrey Public Library Board and CUPE	1156604a	1	"no sexual harassment" grievance processes	2003-2006
The London Public Library Board and CUPE	0535608a	0	no defn of harassment but does make reference to harass and "process	2001-2003
Toronto Public Library Board and CUPE	1187801a	2	"HRC's defn" and sexual harassment defn and processes	1999-2001
Vancouver Public Library Board and CUPE	0536708a	0	makes reference to "no sexual harassment" but no defn or processes	2003-2006
		0.86667		
<b>Cities, Towns, Regions and Municipalities</b>				
Cape Breton Regional Municipality and CUPE				
Churchill Falls and the Int'l Brotherhood of Electrical Workers				
City of Medicine Hat and CUPE	0723007a	0	harass. not mentioned. "no disc." mentioned but no legislation referred	2001-2003
City of Abbotsford and CUPE	1285202a	0	"no disc" but no reference to harassment	2000-2005
City of Belleville and CUPE	1304101a	0	"no disc" but no mention of harassment or processes	2002-2005
City of Brandon and CUPE	0726706a	2	comprehensive defn and processes	2002-2004
City of Calgary and CUPE	0737607a	1	cite the human rights policy and processes for harassment	1998-2000
City of Fredericton and CUPE	0984104a	0	"No disc or harassment" but no defns or processes	2002-2005

City of Greater Sudbury and CUPE	0721009a	1 defn mirrors HRC, no processes	2003-2005
City of Kamloops and CUPE	0725208a	0 "No harassment" but no defn and some processes	2003-2005
City of Oshawa and CUPE	0679508a	2 defn of sexual and regular harass. Processes outlined	2002-2005
City of Port Alberni and CUPE	1302601a	1 "No disc. or harassment"--Refers harass. to the Harass. policy	2002-2005
City of Prince Albert and CUPE	0729107a	0 "no disc" but no mention of harassment or processes	1999-2001
City of Red Deer and CUPE	0707510a	0 no mention of harassment or no disc.	2004-2007
City Of Richmond and Richmond Civic Employees association	0955805a	2 Comprehensive defn of harassment and processes	2004-2006
City of Sault Ste Marie and CUPE	0724410a	0 "No disc" makes reference to HRC	2001-2003
City of St. Catherines and CUPE	0727710a	0 "no disc" but no mention of harassment or processes	2004-2005
City of St. John N.B. and CUPE	0731807a	1 "No sexual harass." Refers to Human Rights Act of B.C.	2000-2002
City of Thunder Bay and CUPE	0704908a	0 "No disc" but no mention of harassment or processes	2002-2005
City of Vaughn and CUPE	0704810a	0 "no disc" but no reference to harassment	2002-2004
City of Yellowknife and PSAC	0679108a	0 "No disc" refers to legislation but no reference made to harassment	2004-2007
Corporation of the City of Timmins and CUPE	1131503a	2 employees have the right to freedom from harass. Outlines processes	2003-2005
Corporation of the District of Maple Ridge and CUPE	1088304a	0 no mention of harassment or no disc.	2004-2007
Corporation of the Township of Langley and CUPE	0738608a	1 cite the human rights policy and processes for harassment	2002-2006
District of Powell River and CUPE	0709409a	0 "No disc" but no mention of harassment or processes	2004-2007
Halifax Regional Municipality and CUPE	0737408a	0 "no disc or harassment" but weak defns and no processes	2003-2007
Hamlet of Baker Lake and the Public Service Alliance of Canada	738007a	0 no mention of harassment or no disc.	2003-2006
Hamlet of Pangnirtung and the Public Service Alliance of Canada	0736807a	0 "No harassment policy" no defn, but there are processes	2002-2006
Municipal Corporation of Iqaluit and PSAC	1195702a	2 comprehensive definition and comprehensive processes	2000-2004
City of Penticton and CUPE	1033604a	2 Harassment addressed further than sexual, processes	2003-2006
Regional Municipality of Durham and CUPE	1328902a	1 sexual harassment but not regular harassment	2001-2004
Regional Municipality of Waterloo and CUPE	1018704a	0 "No disc" but no mention of harassment or processes	2003-2006
The City of Barrie and CUPE	0730005a	0 Reference made to no discrimination and processes--but weak defn	1999-2001
The City of Brampton and CUPE	0720609a	0 "No disc" and processes	2001-2004
The City of Burlington and CUPE	0719208a	0 harass defined only in sexual terms, outlined processes	2002-2004
The City of Burnaby and CUPE	0717310a	0 "NO DISC" and processes	2004-2006
The City of Guelph and CUPE	1295601a	0 no mention of harassment or no disc.	2002-2005
The City of Lethbridge and CUPE	0715408a	0 no mention of harassment or no disc.	2001-2004
The City of London and CAW	0731207a	0 reference to no sexual harassment, but no defn or processes	2000-2002
The City of Mississauga and CUPE	0702508a	2 Comprehensive defn of harassment and processes	2003-2006
The City of Moosejaw and CUPE	0727309a	1 Defn similar to HRC but no processes	2003-2005
The City of Regina and the Civic Employees union	1249703a	2 Defn in terms of human rights, processes outlined	2001-2004
The City of Surrey and CUPE	0716810a	0 no mention of harassment or no disc.	2002-2005

The City of Swift Current and CUPE	0723508a	0 no mention of harassment or no disc.	2001-2003
The City of Windsor And CUPE	0735708a	0 outlines harassment proceses, but no defn	2003-2006
The Distrct of Coldstream and Vernon Civic Employees Union	0724207a	0 "No disc" and no mention of harassment or processes	2003-2005
The District of Campbell River and CUPE	0860307a	1 "No discrimination" refers to legislation	2002-2004
The Hamlet of Chesterfield Inlet and the Public Service Alliance of Canada	0730908a	0 "No disc" but no reference to harassment or legislation	2003-2007
The Hamlet of Rankin Inlet and the Public Service Alliance of Canada	0730209a	0 "no disc" but no mention of harassment or processes	2001-2003
Chatham-Kent and the NAATGWU	813908a	2 comprehensive defn. of harassment and processes	2001-2003
The Town of Hay River and the Public Service Alliance of Canada	1046304a	2 Defn of Sexual Harass. Freedom from violence. Processes outlined	2003-2006
Town of Faro and the Int'l Union of Operating Engineers	1260302a	0 "no Disc" and processes	2003-2005
Town of Oakville and CUPE	0787907a	0 "No disc.", but no reference to harass. or legislation	2002-2004
Town of Pickering and CUPE	0947406a	0 no mention of "no disc or no harassment"	2004-2007
Town of Richmond Hill and the Salaries Employees Association	0716408a	0 harass. not mentioned. "No. Disc." mentioned	2002-2004
Town of Smithers and CUPE	0716909a	0 "no disc" but no reference to harassment	2004-2007

0.51852

### Colleges and Universities

Brock University and the Faculty Association	1182103a	2 comprehensive definitions, comprehensive processes	2003-2006
Camosun College and CUPE	0896307a	0 mention of 'no disc' but no mention of harassment or processes	2002-2005
Capilano College and College Institute Educators Association	1167403a	2 comprehensive dfn of harassment and processes	2001-2004
Carleton University and the Academic Staff Association	0530309a	1 "No harassment" comprehensively outlined, no processes	2003-2006
College of New Caledonia and College Institute Educators Association	1173503a	2 comprehensive defn of harassment, processes	2001-2004
College of North Atlantic Nfld and Lab ass. Of Pub. & private employees	1211402a	2 comprehensive defn and processes	2001-2004
Concordia University and the University Faculty Association	0525407a	0 "No disc" but no mention of harassment	2002-2007
Douglas College and the Faculty Association	1222902a	0 says that harassment is an issue to be excluded from the agreement	2001-2004
Keyano College and CUPE	0533809a	0 "No disc" but no mention of harassment	2004-2006
Kwantlen University College & the B.C. government and Employees Union	1162202a	2 Comprehensive defn and processes	1998-2002
Kwantlen University College and the Faculty Association	1110103a	2 Comprehensive defn and processes	2001-2004
Lakehead University and the Faculty Association	0820307a	1 "No Harassment" no defn, makes refernce to the policy outside the C.A	2003-2006
Laurentian University and the Staff Union	1152404a	0 no reference to "no disc or harassment"	2003-2006
Malaspina University-College and the faculty Association	1211803a	1 harassment policy mirrors HRC, cites university policy for processes	2001-2004
Memorial University fo Newfoundland and CUPE	0522411a	2 Comprehensive defn and processes	2001-2004
North Island College and the Faculty Association	1183403a	2 Comprehensive defn and processes	2001-2004
Nova Scotia Community College and the Nova Scotia Teachers Union	1326001a	1 cites human rights comm. Defn of harassment and processes	2001-2005
Queen's University and Queen's University Faculty Association	1170905a	2 Comprehensive policy and processes	2002-2005
Red Deer College and Support Staff Association	1273902a	0 "No disc" but no mention of harassment	2003-2006

Red River College and the Manitoba Gov't and General Employees Union	1020305a	1 good processes but only address harassment in sexual terms	2003-2006
Selkirk College and the Faculty Association	1183503a	2 Comprehensive defn and processes	2001-2004
Simon Fraser University and CUPE	0534911a	2 Comprehensive defn and processes	2002-2005
The University of British Columbia and the Faculty Association	0534712a	0 weak "no disc" no referenc to harassment or processes	2004-2006
The University of Guelph and CUPE	1041205a	2 defn mirrors human rights commission with comprehensive processes	2002-2005
The University of Newbrunswick and the Ass. Of New Brunswick Teachers	1010704a	0 Comprehensive processes but only defined in sexual terms	2001-2005
The University of Northern British Columbia and CUPE	1053603a	0 Brief reference to harassment, no defn and no processes	2002-2005
The University of Windsor and the Faculty Association	0528908a	1 Comprehensive "no disc" cite employment equity act for processes	2004-2008
Trent University and CUPE	1103004a	2 good defn and strong processes	2001-2004
Universite du Quebec a Trois Rivieres et CUPE	1077303a	0 "no disc and harassment" but weak defn and no processes	2003-2005
Vancouver community college & Van. Community College Faculty Ass.	0522112a	2 strong defn of harassment and processes	2001-2004
Wilfrid Laurier and the Faculty Association	0977304a	2 Comprehensive definitions and comprehensive processes	2002-2005
York University and the University Board of Governors	0529510a	2 comprehensive defn of harassment, processes	2003-2006

1.1875

### School Boards

Board of School Trustees of Comox Valley and CUPE	0510908a	1 moderate defn, strong processes	2000-2003
Board of School Trustees of Greater Victoria and CUPE	0509208a	1 Defn of harassment, outlines processes	2001-2003
Board of School Trustees of Gulf Island and CUPE	1034603a	2 Comprehensive defn and processes	1999-2003
Board of School Trustees of Langley and CUPE	0514206a	2 Comprehensive defn and processes	1997-2003
Board of School Trustees of Sooke and CUPE	0515309a	2 good defn and strong processes	1999-2003
Board of School Trustees Van. and the Int'l union of Operating Engineers	0512508a	0 no mention of harassment or processes	2001-2003
Dufferin-Peel Catholic District School Board & the OECTA	1125804a	1 comprehensive processes and defn, but only in sexual terms	2003-2004
Fort McMurray District School Board and the Alberta Teachers Ass.	0509109a	0 no mention of harassment or processes	2001-2003
Hamilton-Wentworth District School Board and the OCTBU	1237503a	0 "No disc" but no mention of harassment	2003-2006
Huron-Perth Catholic District School Board and OECTA	1276201a	0 heading of harasssment that states "the board can change this clause"	2001-2004
Kawartha Pine Ridge District School Board and CUPE	1199202a	0 no mention of "no disc or harassment"	2002-2005
Lakehead District School Board and Office and Pro. Employees Int'l union	0815108a	0 "No disc" but no mention of "no harassment"	2003-2006
London District Catholic School Board and CUPE	1283801a	1 cites no harassment and the HRC, some processes	2002-2004
Red Deer Public District School Board and tha Alberta Teachers Ass	0506417a	0 no mention of harassment or processes	2003-2004
School Board Trustees of Sunshine Coast and CUPE	0515510a	2 comprehensive defn and processes	1999-2003
School District of Albemi and CUPE	0517007a	2 Comprehensive defn and processes	2000-2003
School District of Cowichan Valley and the Int'l Woodworkers of America	1196902a	0 no mention of "no disc or harassment"	2002-2003
School District of Nanaimo-Ladysmith and CUPE	0511610a	2 Comprehensive defn and processes	1998-2003
Simcoe County District School Board & Elementary Teacher's Fed. of ON.	1121804a	0 no mention of harassment or processes	2002-2004

1998-2003 2 Comprehensive defn and processes  
 2002-2003 0 Harassment not mentioned  
 2000-2003 1 Defn of harass.  
 2000-2004 0 Mentions "no harassment" but no defn or processes  
 2003-2004 1 "no Disc" and no harassment, cites HRC, processes  
 2002-2004 0 "no disc" and processes for assault but no mention of harassment

080  
 2 Comprehensive defn and processes  
 0 Harassment not mentioned  
 1 Defn of harass.  
 0 Mentions "no harassment" but no defn or processes  
 1 "no Disc" and no harassment, cites HRC, processes  
 0 "no disc" and processes for assault but no mention of harassment

1999-2004 0 no mention of harassment  
 2003-2005 0 no mention of harassment  
 2000-2001 0 "no disc" but no mention of harassment  
 2001-2002 0 "no disc" but no mention of harassment  
 2000-2002 0 Comprehensive "no disc" but no mention of harassment  
 2003-2004 0 "no disc" but no mention of harassment  
 2001-2002 0 no mention of harassment  
 2003-2005 0 "no disc" but no mention of harassment  
 2003-2015 0 "No disc" and processes  
 2003-2005 0 "no disc" but no mention of harassment  
 2004-2005 0 no mention of harassment  
 2004-2005 0 "no Discrimination" no reference to legislation  
 2003-2005 0 no mention of harassment  
 1321401a 1 strong defn of harassment but no processes  
 1027303a 0 no mention of harassment  
 0719710a 0 no mention of harassment  
 0704412a 0 "no disc" but no mention of harassment  
 0735409a 0 no mention of harassment  
 0678907a 0 "no disc" but no mention of harassment  
 2003-2006 0 no mention of harassment  
 2004-2005 0 "no disc" but no mention of harassment  
 2003-2005 0 no mention of harassment  
 2003-2005 0 "no disc" but no mention of harassment  
 2000-2001 0 "no disc" but no mention of harassment  
 2000-2001 0 "no disc" but no mention of harassment  
 2003-2004 0 "no disc" but no mention of harassment  
 2000-2001 0 "no disc" but no mention of harassment  
 2003-2004 0 "no disc" but no mention of harassment  
 2000-2001 0 "no disc" but no mention of harassment  
 2003-2005 0 no mention of harassment  
 1305201a 0 no mention of harassment  
 0700209a 0 no mention of harassment  
 0725808a 0 "no disc" but no mention of harassment  
 0726409a 0 "no disc" but no mention of harassment  
 0706207a 0 Comprehensive "no disc" but no mention of harassment  
 0708408a 0 "no disc" but no mention of harassment  
 0702912a 0 "no disc" but no mention of harassment  
 1181203a 0 "No disc" and processes  
 0720809a 0 "no disc" but no mention of harassment  
 0706610a 0 no mention of harassment  
 0699809a 0 "no Discrimination" no reference to legislation  
 0718112a 0 no mention of harassment  
 1321401a 1 strong defn of harassment but no processes  
 1027303a 0 no mention of harassment  
 0719710a 0 no mention of harassment  
 0704412a 0 "no disc" but no mention of harassment  
 0735409a 0 no mention of harassment  
 0678907a 0 "no disc" but no mention of harassment  
 0705310a 0 no mention of harassment but indemnification  
 0728510a 0 "no disc" but no mention of harassment  
 0701711a 0 No mention of harassment

0725307a 0 "no disc" but no mention of harassment

0850405a  
 0516011a  
 0511109a  
 1230404a  
 1178802a  
 1191603a

The Board of School Trustees Bulkley Valley and CUPE  
 The School Board Trustees and West Vancouver Mun. Emp. Ass.  
 The Board of School Trustees (Chilliwack) and CUPE  
 Toronto Catholic District School Board and CUPE  
 Toronto District School Board and CUPE  
 Waterloo Catholic District School Board and OECTA  
 Anishnabek Police Service and Canadian First Nations Police Ass.  
 Brantford Police Services Board and the Police Association  
 City of Calgary and the Calgary Police Association  
 City of Edmonton and the Police Association  
 City of Winnipeg and the Police Association  
 Cornwall Community Police Board and the Cornwall Police Association  
 Greater Sudbury Police Services Board and the Police Association  
 Guelph Police Services Board and the Guelph Police Association  
 Halifax Regional Municipality and Municipal Association of Police  
 Halton Regional Police Services Board and the Police Association  
 Kingston Police Services Board and the Police Association  
 London Police Services Board and The London Police Association  
 Niagara Regional Police Association and Niagara Police Services Board  
 Nishnawbe-Aski Police Board and the Canadian First Nations Police Ass.  
 Ottawa Police Services Board and the Police Association  
 Peel Regional Police Services Board and the Peel Regional Police Ass.  
 Peterborough-Lakefield Police Services Board and the Police Association  
 Saanich Police Board and the Police Association  
 Saint John Board of Police and CUPE  
 Sault Ste Marie Police Services Board and the Police Association  
 Victoria City Police Board and the Police Association  
 Windsor Police Services Board and Windsor Police Association  
 City of Calgary and the Int'l ass. Of firefighters

**Firefighters**

**Police and Police Boards**

City of Cambridge and the Pro. Firefighters ass.	0705809a	0	"no disc" but no mention of harassment	2003-2005
City of Coquitlam and the Firefighters Union	0736611a	0	no mention of harassment or disc.	2003-2006
City of Edmonton and the Edmonton firefighters union	0726105a	0	"no disc" but no mention of harassment	2002-2003
City of Kitchener and the Kitchener Pro. Firefighters ass.	0700611a	0.00	"no disc" but no mention of harassment	2000-2002
City of Lethbridge and the Int'l firefighters ass.	0727108a	0.00	"no disc" but no mention of harassment	2004-2005
City of London and the London Pro. Firefighters ass.	0699108a	1.00	"no coercion" cites HRC	2002-2003
City of Moncton and the Firefighters Ass.	0678707a	0.00	no mention of harassment or disc.	2001-2004
Niagara Falls and the Int'l firefighters ass.	0704109a	0.00	"no disc or harassment" but no defn and processes	2003-2005
City of North Vancouver and the Int'l ass. Of firefighters	0734010a	0.00	no mention of harassment or disc.	2000-2002
City of Oshawa and the Int'l Ass. Of firefighters	0707409a	0.00	no mention of harassment or disc.	1999-2003
City of Ottawa and the Int'l firefighters ass.	1270801a	0.00	"no disc or coercion" but no defn or mention of harassment	2001-2003
City of Prince George and the Int'l firefighters union	0729908a	2.00	defn cites the HRC with comprehensive processes	2000-2002
City of Regina and the Pro. Firefighters Ass.	0723608a	0.00	no mention of harassment or disc.	2001-2003
City of Saint John and the Firefighters union	0679007a	0.00	"no disc" but no mention of harassment	2001-2003
City of Saint John's and the Int'l ass. Of firefighters	0676008a	2.00	comprehensive defn and processes	2000-2003
City of Saskatoon and the Int'l firefighters union	0722310a	0.00	"no disc" but no mention of harassment	2003-2005
City of Sudbury and the Sudbury firefighters ass.	0708208a	0.00	cites the City of Sudbury's harassment-free policy	1998-2001
City of Surrey and the Firefighters ass.	0735808a	0.00	no mention of harassment or disc.	2003-2006
City of Toronto and the Int'l ass. Of firefighters	1208702a	0.00	no mention of harassment or disc.	2002-2006
City of Thunderbay and the Pro. Firefighters ass	0718807a	0.00	"no disc" but no mention of harassment	2001-2003
City of Victoria and the Int'l ass. Of firefighters	0728709a	0.00	no mention of harassment or disc.	2004-2006
City of Winnipeg and the United Firefighters of Winnipeg	0721408a	2.00	comprehensive defn and processes and need for respect	2001-2003
City of Whitehorse and the Intl ass. Of firefighters	0738808a	0.00	no mention of harassment or disc.	2003-2006
District of Saanich and the Int'l ass. Of firefighters	0826610a	2.00	strong defn and processes	2003-2006
Halifax regional municipality and the professional firefighters ass.	1195902a	0.00	"no disc" but no mention of harassment	2000-2004
		0.34615		
<b>Hospitals</b>				
Alexandra Hospital and the ONA	1256903a	2	comprehensive defn and processes	2001-2004
Amprior and District Memorial Hospital and CUPE	0602107a	0	"no disc" but no mention of harassment	1995-2001
Cambridge Memorial Hospital and the Service Employees Int'l Union	0555209a	0	no mention of harassment or processes	2001-2004
Hawksbury and District General Hospital and CUPE	0588407a	0	"no disc" but no mention of harassment	1995-2001
Hotel-Dieu Hospital and OPSEU	0967505a	1	cites HRC defn of harassment	1999-2002
Kingston General Health and CUPE	0564508a	0	"no disc" but no mention of harassment	2001-2004
Lake of the Woods District Hospital and the Ontario Nurses Association	0565809a	2	comprehensive defn and processes	2001-2004

Learnington District Memorial Hospital and the Ontario Nurse's Ass.	0569108a	2 comprehensive defn and processes	2001-2004
Mount Sinai Hospital and the Ontario Nurse's Association	0549707a	2 comprehensive defn and processes	2001-2004
Mount Sinai Hospital and the Service Employees International Union	0549508a	0 no mention of harassment or processes	2001-2004
North Bay General Hospital and ONA	1033903a	2 comprehensive defn and processes	2001-2004
North York General Hospital and Service Employees Int'l Union	1333601a	0 "no disc" but no mention of harassment	2001-2004
Ottawa Hospital and CUPE	1236402a	1 cites HRC defn of harassment	2001-2004
Perth & Smith Falls Hospital and CUPE	1301301a	0 "no disc" but no mention of harassment	1995-2001
Renfrew Victoria Hospital and CUPE	0594807a	0 "no disc" but no mention of harassment	1995-2001
Riverside Healthcare Facilities and CUPE	0566108a	0 "no disc" but no mention of harassment	2001-2004
Ross memorial Hospital and CUPE	0599410a	0 "no disc" but no mention of harassment	1995-2001
Royal Victoria Hospital and the Service Employees Int'l Union	0577808a	0 no mention of harassment or processes	2001-2004
St. Joseph's Health Centre Guelph and the Ontario Nurses Ass.	0582608a	2 comprehensive defn and processes	2001-2004
St Michael's Hospital and Service Employees international union	1274102a	0 no mention of harassment or processes	2001-2004
Toronto East General Hospital and the Service Employees Int'l Union	0576008a	0 no mention of harassment or processes	2001-2004

0.66667

total for all Public = 4.49741/7 total public agreements=200

0.64287

**Private Companies**

ACG and Graphic Communications Int'l union	1102002a	2 strong defn and processes	1997-2004
Algoma Steel and the United Steel Workers	1053304a	2 strong defn and processes	2002-2004
Bell Canada and the Craft and Services Employees	0402607a	0 mention of harassment but defn and processes weak	2004-2007
Bombardier and CAW	0203207a	2 comprehensive defn and processes	2002-2005
Bowater Maritime inc and Int'l Longshoreman's ass.	0321905a	0 no mention of harassment or disc	1998-2004
Brewer's Retail and UFCW	0449607a	0 no mention of harassment or disc	2002-2004
Brink's Canada Ltd. And Teamsters	0952704a	0 no mention of harassment or disc	2003-2006
Brown Shoe Company and UFCW	0079409a	0 no mention of harassment or disc	2000-2002
BUDD Canada and CAW	0202105a	0 no mention of harassment or disc	2000-2003
CAMI auto inc and CAW	0850105a	1 defn of harassment mirrors HRC, weak processes	2001-2004
CARA operations and Teamsters	0841904a	0 no mention of harassment or disc	1999-2003
Casino Windsor and the NAATGWU	1009004a	2 comprehensive defn and processes	2004-2008



Consolidated Fastfrate Inc and Teamsters	1315401a	0 no mention of harassment or disc	2003-2006
Cooper Standard Automotive and CAW	0197108a	0 "no disc or coercion" but no mention of harassment	2003-2005
Country Ribbon Inc and CAW	1017904a	0 no mention of harassment or disc	2001-2004
Comer Brook Pulp & Paper company & the Comm. energy & paperworkers	0000105a	0 no mention of harassment or disc	1999-2003
DaimlerChrysler and the CAW	0193907a	2 comprehensive defn and very comprehensive processes	2002-2005
DHL Express and the NAATGWU	0942706a	0 no mention of harassment or disc	2003-2006
Draxis Pharma Inc and UFCW	1203501a	0 "no disc" but no mention of harassment	1998-2003
Edscha of Canada and CAW	1118703a	2 comprehensive defn and processes	2002-2005
ford motor company and the CAW	0193207a	2 comprehensive defn and very comprehensive processes	2002-2005
Gates Canada and the United Steel Workers	0071905a	0 "no disc" but no mention of harassment	1997-2000
General Electric and the Int'l ass. Of machinists and aerospace workers	0183106a	0 "no disc or coercion" but no mention of harassment	2000-2003
Goodyear Canada and the United Steel Workers	0074806a	0 no mention of harassment or disc	2002-2005
H.J. Heinz and UFCW	0034708a	0 no mention of harassment or disc	2004-2007
Honeywell and TCA	0190308a	1 "no coercion" which mirrors HRC	2002-2005
Host Canada and the United food and commercial workers union	1322001a	0 no mention of harassment or disc	2001-2004
Hershey Canada and the NAATGWU	0059708a	0 no mention of harassment or disc	2004-2007
Hiram Walker and the NAATGWU	0062807a	0 no mention of harassment or disc	2002-2005
H.M. Trimble and Sons and Int'l Union of Operating Engineers	0953105a	0 no mention of harassment or disc	2004-2007
Iron Ore Co. of Canada and the United Steel Workers	0013906a	0 no mention of harassment or disc	1999-2004
Kelsey-Hayes CDA Inc & the NAATGWU	0154306a	0 "no disc and coercion" but no mention of harassment	1999-2001
Kinross Gold Corp and the United Steel workers of america	0010907a	0 "no disc" but no mention of harassment	1999-2001
Lear Corporation and CAW	0227707a	2 comprehensive defn and processes	2002-2005
Loblaws markets and the united food and commercial workers	0896504a	0 no mention of harassment or disc	2002-2006
Maple Leaf Poultry and UFCW	1134003a	0 "no sexual harassment" but no defn outside of sexual	2002-2005
Midwest food products and UFCW	0059906a	0 no mention of harassment or disc	2001-2004
Molson Breweries and the Brewery Winery and Distillery Workers	0977004a	0 "no disc" but no mention of harassment	2002-2006
Montreal Gazette Group and Graphic Communications Union	0847805a	0 no mention of harassment or disc	2001-2005
National Grocers Co and Teamsters	0418906a	0 "no disc" but no mention of harassment	2001-2009
National Hockey Association and the Player's Association	0942304a	0 no mention of harassment or disc	1997-2004
Navistar and CAW	0193008a	0 no mention of harassment or disc	2003-2007
Neilson Dairy and the Christian Labour Ass.	0057807a	0 "no disc" but no mention of harassment	2003-2008
Pratt & Whitney and the NAATGWU	0190207a	0 "no disc or sexual harassment" but no defn or processes	2002-2005
Purolator Courier and Teamsters	1034403a	0 "no disc" but no mention of harassment	2004-2007
Robin Hood Foods and the UFCW	0836107a	0 no mention of harassment or disc	2001-2004
Rogers Cable Int'l Brotherhood of Electrical Workers	0907904a	0 "no disc" but no mention of harassment	1999-2005

Techtrol Inc and Teamsters	1177004a	0	no mention of harassment or disc	2004-2006
Toronto Airport Hilton and Hotel and Restaurant Employees	1099803a	1	define harassment in terms of HRC, no processes	2001-2004
Unilever and the milk and bread drivers and dairy employees	0059309a	0	no mention of harassment or disc	2000-2004
Zellers & the NAATGWU	0857307a	2	comprehensive defn and processes	2003-2006
		0.41176		