

# Harassment (By-Law)

## Canadian Federal Pilots Association

The CFPA commits to providing a work environment free of harassment, where all members and staff, including employees and contractors, are treated with respect and dignity. Everyone is entitled to a harassment-free workplace. Harassment is serious and needs to be addressed promptly, with sensitivity, competence and discretion. The primary goal is to resolve allegations of harassment in the most informal way feasible, with the least disruption possible for the parties involved and the work environment. While the seriousness of harassment allegations calls for access to a careful and rigorous process from the outset, it is consistent with such a process that many cases may, upon closer exploration and with the consent of all parties, be effectively dealt with through informal resolution processes.

Members or staff, including employees and contractors, found to have harassed someone within the workings of the association might be subject to disciplinary measures. CFPA members will be subject to Article 21.1 of the CFPA constitution. CFPA staff, including employees and contractors, will be subject to penalties and up to and including termination of employment. This by-law does not apply to harassment between CFPA members that occurs in the employer's workplace.

Definition: Harassment: is any improper conduct by an individual, that is directed at and offensive to another person or persons in the workplace, and that the individual knew or ought reasonably to have known would cause offence or harm. It comprises any objectionable act, comment or display that demeans, belittles, or causes personal humiliation or embarrassment, and any act of intimidation or threat. It includes harassment within the meaning of the *Canadian Human Rights Act*.

Harassment is normally a series of incidents but can be one severe incident which has a lasting impact on an individual.

Group: CFPA – approximately 460 members.

Members are located in three separate and distinct organizations:

- Transportation Safety Board;
- Transport Canada;
- NAV CANADA

Members of CFPA are located in varying locations throughout Canada.

Official Complaint: Any complaint alleging harassment by a CFPA member(s), employee or contractor, must be presented in writing to the Chairperson of the CFPA.

Should a complaint name the Chairperson as an offender or party to an offense the Vice-Chairperson will assume the responsibilities of the Chairperson with respect to the

investigation of said complaint.

Investigation Process: The CFPA Chairperson upon receiving a harassment complaint will provide to the affected person(s) the name of a CFPA Representative to review the complaint with the affected member(s).

When the CFPA Representative has obtained sufficient preliminary information from the affected member(s), he/she will make a recommendation to the CFPA Chairperson whether an investigation into the harassment complaint should be considered or consideration is given to informal resolution processes.

If an informal resolution process is unable to resolve the dispute, the CFPA Chairperson will name a two-member team to conduct an investigation into the complainant's concerns.

The Chairperson will advise the complainant(s) and the respondent(s) of the investigation regarding the complaint and the names of the CFPA investigators. Both parties will be advised of the role of the investigation team and that the parties will be interviewed by the investigation team at times, dates, and places mutually agreed upon.

Representation – Complainant(s): a third party of their choosing may represent The Complainant(s). Any financial costs associated with representation will be the responsibility of the Complainant(s).

Representation –Respondent(s): a third party of their choosing may represent the respondent(s). Any financial costs associated with representation will be the responsibility of the offending party(s).

Once the investigation of the complaint(s) is/are completed, the investigative team will submit a written report of its findings to the CFPA Chairperson. The report will include a description of the complaint(s), the activities undertaken to investigate the complaint(s) (including signed statements), and whether the complaint(s) was founded or not founded. If the complaint(s) was founded, the investigators will also make a recommendation as to appropriate discipline, but this will not be included in the report.

If the investigation team reports the harassment is not founded the Chairperson will advise the complainant(s) and respondent(s) of this finding.

If the Report indicates harassment took place the complainant(s) and respondent(s) will be notified of this, and will be provided with a copy of the investigation report. The respondent(s) will then have 15 working days to request an opportunity to appeal the findings of the harassment report to the CFPA Executive Board. If an appeal is requested the complainant(s) will be advised of this fact.

If the respondent(s) does not request an appeal the Chairperson will present the harassment report to the CFPA Executive Board for consideration of the harassment

report. The Executive Board will then decide whether to support the findings of the report, and if so to decide what discipline to impose on the respondent(s). The decision of the Executive Board will be communicated to the complainant(s) and the respondent(s).

Appeal Process: The respondent(s), once advised the harassment was founded, may request a review of the “facts” of the case and the opportunity to present his/her story to the Executive Board. The respondent(s) can elect to be represented by a third party of his/her choice at the appeal. Any financial costs associated with representation will be the responsibility of the respondent(s). The Executive Board will consider the information contained in the investigation report, and the information presented by the respondent(s) and then decide whether the harassment complaint was founded or not. If the harassment complaint is determined to be founded, the Executive Board will decide on what discipline to impose. The decision of the Executive board will be communicated to the complainant(s) and the respondent(s).

Confidentiality: All information pertaining to the investigation of a harassment complaint will be treated as CFPA confidential. The information is to be retained for two years following final decision.