



WE BELIEVE

YOU

**Sexual Violence & Harassment
in Union Spaces**



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Content warning: This content may be triggering for some readers because some of the root causes and impacts of sexual violence and harassment are discussed. For support resources, please refer to the resources section.

Introduction

Unions are advocates for workers and their health and safety. That includes their physical and mental health and safety.

Whether as witnesses, participants or as survivors, sexual violence is a serious matter and affects all members of the union, workplace and community.

Sexual violence is a union issue.

The Ontario *Occupational Health and Safety Act*, in addition to the general management rights of an employer in Ontario, means addressing and responding to sexual violence at work is the responsibility of the employer. Sexual harassment has been illegal under the *Ontario Human Rights Code* for decades.

Our union plays a critical role in making sure the employer follows through on their responsibilities under these laws.

The CUPE Ontario Women's Committee wanted to create this guide and let you know that we believe you and to make sure that you are aware of your rights.

We know that sexual violence happens within union spaces and not only in our workplace. As union members, we must confront sexual violence and work together to make union events and spaces safer.

We must ensure that there are processes in place that we can use to hold ourselves to account. We want to change the systems that allow inequality for those who identify as women and nonbinary folks and allow violence against them to occur in our homes, streets, workplaces, and even in our union spaces.

Throughout this guide, we will be using the terms survivor and victim interchangeably to describe the person that has been harmed, and the term perpetrator to describe the person who has caused harm. Those who have been harmed may choose to use both terms, one term or none of these terms. The use of both survivor and victim is not our attempt to label anyone and we recognize the agency of everyone to describe their own experiences.

What is Sexual Violence?

Sexual violence includes any sexual act that targets a person's sexuality, gender expression or gender identity', whether physical or psychological in nature, that is committed, threatened, or attempted against a person without the person's consentⁱⁱ.

Sexual violence can result in serious and negative impacts on the survivor's mental, emotional, physical and spiritual health and wellbeing.ⁱⁱⁱ People who witness it and do not intervene are also negatively affected. Even the perpetrator does not remain unaffected by their actions and others' reactions to them.

In this guide, "sexual violence" is used as an umbrella term to include examples of **sexual harassment**. Bill 132, the *Sexual Violence and Harassment Action Plan Act (Supporting Survivors and Challenging Sexual Violence and Harassment)* defines sexual harassment as:

- engaging in a course of vexatious comment or conduct against a worker in a workplace because of sex, sexual orientation, gender identity or gender expression, where the course of comment or conduct is known or ought reasonably to be known to be unwelcome; or
- making a sexual solicitation or advance where the person making the solicitation or advance is in a position to confer, grant or deny a benefit or advancement to the worker and the person knows or ought reasonably to know that the solicitation or advance is unwelcome.

The spectrum of sexual violence, that includes sexual harassment, can include:

- Unwelcomed sexual remarks and jokes;
- Unwanted advances from a person in a position of power;
- Unwanted advances from a person;
- Spreading sexual rumours;
- Public display of sexual photos, drawings, comics, graffiti - including "online" and "social media" formats;
- Repeated and unwanted invitations to socialize (*in certain cases it doesn't have to be repeated and can be dependent on the nature of the harm and on previous exchanges*);
- Offering employment or other benefits in exchange for sex or sexual favours
- Making threats if sexual advances are refused;
- Unwanted touching;
- Leering;

- Stalking;
- Sexual assault and rape.

Who is affected by sexual violence?

Sexual violence can affect any worker regardless of sexuality, gender identity or gender expression.^{iv}

However, most perpetrators of sexual violence are men and most victims are women.^v A 2014 Angus Reid poll found that 43 per cent of women reported being sexually harassed at work, and that women were twice as likely as men to experience unwanted sexual contact while at work.^{vi}

Movements such as #MeToo have helped to encourage survivors to tell their experiences of sexual violence and sexual harassment.

People who do not conform to male-female gender binary or who are not in heterosexual relationships are also at greater risk.

One study found approximately 90 per cent of transgender and gender-variant employees reported experiencing workplace harassment or violence stemming from their gender identity and expression.^{vii} Approximately 47 per cent of lesbian, gay, bisexual, transgender, queer, intersex and two-spirit and other non-heteronormative identities (LGBTQI2S+) workers have experienced workplace harassment or violence based on their sexual orientation and gender identity.^{viii}

Women who are discriminated against because of race, Indigeneity, disability, class, immigration status and other marginalized identities may also experience higher rates of violence in general and sexual violence in particular.

For example, those causing harm may try to justify the harm of their actions based on stereotypes about women who are racialized, trans, Black or Indigenous.^{ix}

People from marginalized communities often work in precarious employment with little job security, low pay, and without benefits. Perpetrators know they are more likely to “get away” with harassment and violence because these systemic forms of marginalization increase barriers to reporting, accessing support, and accountability measures.^x

Sexual violence is illegal

Sexual violence and harassment are illegal.

Canadian, provincial and territorial human rights laws prohibit discrimination based on sex, gender and sexual orientation.

Depending on where you work and the form of sexual violence in the workplace, you may be protected by other laws, rules and policies:

- Criminal law;
- Employment standards legislation in your province or territory (the “minimum standards” for unionized and non-unionized workers);
- The Canada Labour Code or provincial or territorial labour laws (for unionized workers);
- Occupational health and safety laws;
- Your collective agreement;
- Your employer’s own workplace policies e.g. violence prevention;
- Workplace sector-specific regulations;
- Workers’ compensation laws.

Barriers to disclosure

Members may face many barriers to disclosing sexual violence in their workplaces and in the union. These barriers include:

- Fear of being ostracized by co-workers or by other members of the union;
- Shame, embarrassment and self-blame;
- Not wanting to talk about or relive the experience;
- Fear of retaliation from the perpetrator or other union members;
- Fear of reprisal from the employer, missed work and career opportunities, job loss;
- Not being believed;
- Social isolation;
- Lack of supports and services;
- Concern about confidentiality and privacy.

It is difficult for victims and survivors to come forward.

We must prepare a safe and supportive environment in our work and union spaces and we need to start now.

Below are some ways you can support a member who has chosen to disclose sexual violence in the union. The union should ensure that there are trained members or persons who can receive disclosures and who can assist the survivor in navigating resources and the reporting process.

This list assumes that the person receiving the disclosure is trained, but in the case that they are not, the list may still be helpful. If someone has approached you and wants to disclose, assess whether or not you can properly receive the information and if you are uncertain, let the person wanting to disclose know what your limitations are and try to connect them with a trained person.

- Treat the person disclosing with dignity and respect;
- Assist them in obtaining care for physical or mental injuries;
- Engage in emotional support and active listening by being mindful of your body language, affirm what is being shared, ask what support is needed, listen with care, take notes, and provide resources;
- Make sure to not interrupt and rush the victim/survivor as they are disclosing;
- Allow the victim/survivor to have control over their disclosure e.g., what to disclose; how much to disclose;
- Discuss privacy and confidentiality and any limitations to confidentiality which may be necessary to ensure the workplace and other workers are safe;
- Be sensitive of needs and experiences based on for example, culture, race, religion, sexuality and disability;
- Be aware of your biases and assumptions and potential barriers to disclosure;
- Provide them with options for counselling and other support services.

What to do if you have experienced sexual harassment or violence?

Remember that it is not your fault! It takes courage to even speak about your experience, much less want to proceed with any form of justice.

It is important to note that sexual violence is not about love, lust, or desire; it is about power and control.

The perpetrator's behaviour is often rooted in discriminatory attitudes and beliefs about the survivor's gender identity, gender expression, sexual orientation, race, disability or creed. Often perpetrators will see themselves as superior and as being entitled to sexually access their victim.

If you have experienced sexual harassment or violence, there is a list of resources at the end of this guide.

Dealing with it within the union

In this case, the incident perhaps did not happen at work or maybe you don't want the person who has caused you harm to lose their job or face other job-related repercussions. **You can speak to the following persons and access the following resources:**

- Speak to your union executive - find out if there is someone on the executive specifically assigned to deal with sexual violence and harassment. If not, contact your steward and/or local president;
- Speak to your National Servicing Representative (staff representative) - you can find out who this is by speaking with someone on your local union executive;
- Look at the local processes as defined in your by-laws - this can be helpful if it's a case of member to member harassment;
- CUPE National's Code of Conduct (for CUPE National events) and CUPE Ontario's Code of Conduct (for CUPE Ontario events);
- In cases where the Code of Conduct was not respected during the event, you can reach out to one of the Ombudspersons named for the event;
- CUPE's Equality Statement:
 - *CUPE Trial Procedure (Appendix F of the CUPE Constitution) offers members in good standing an internal process to have complaints related to union activities against other members dealt with in a fair and impartial manner.*
 - *Harassment or discrimination based on a prohibited ground under F.1(m) is an offence under the Constitution.*
 - *Members who have a complaint alleging a violation of F.1(m) may opt to use an alternate process adopted by the National Executive Board. In the alternate process, a Mediator/Adjudicator is appointed to conduct fact finding and mediation in a trauma-informed manner.*

Dealing with it by involving the employer

In this case, you may want the employer to exercise their legal obligations to create and maintain a safe workplace.

- Check out workplace negotiated bargaining language in your collective agreement;
- Review workplace policies such as workplace violence and harassment policies;
- Review Ontario's Occupational Health & Safety Act, especially if the workplace violence and harassment policies are not sufficient.

Canada's Criminal Code deals with violent acts, sexual assault, threats and behaviours such as stalking and therefore involve the police and potentially the criminal legal system which carries its own implications for both the person reporting harm as well as for the person accused of causing harm.

Harassment may also be a matter that falls under the Ontario Human Rights Code if it is harassment based on the prohibited grounds of discrimination such as gender identity, sexual orientation, race, religion or disability just to name a few.

What can we do in our unions?

As union members, you can play a leadership role in preventing sexual harassment and violence and supporting survivors who choose to disclose whether the incident happened at work or at our union events.

Providing adequate and appropriate training to help members know what to do as bystanders can help foster a union space which is preventative and responsive to sexual violence.

Before an incident occurs, union locals can be proactive by ensuring that the union is one that understands what sexual violence can look like and how to prevent it by:

- Booking union education courses - check out the list of Union Education courses available and arrange for training by contacting the National Servicing Representative;



- Review Human Rights publications such as the *'Stop workplace sexual violence: A guide for CUPE locals'* and relevant health and safety materials. Ask your National Servicing Representative for more details. See the "links" in the resource section;
- Review the roles and responsibilities of the union executive, stewards, and rank and file members, as depending on your position, you may be bound by different rules and expectations.

Here are some steps you can take to properly support a survivor who has reported sexual violence:

- Actively listen to the survivor;
- Make it clear to the survivor that you want to respect confidentiality but that as part of a union leadership you may also have a legal obligation to report violence in the workplace on a "need to know" basis especially when others may be in harm's way. What is covered under the term "need to know" can be spelled out in the workplace violence prevention policy;
- Inform the survivor that you may have to take notes;
- Provide information to the survivor of their choices such as submitting a complaint, filing a grievance, applying for workplace or employment insurance sick leave, filing a WSIB claim;
- Ask them what support looks like to them - let go of your own assumptions;
- Validate them - acknowledge that talking about sexual violence is never easy;
- Empathize with them - do not pity them but empathize with them and remember that everyone has a different way of healing and coping.

If your union local does not currently have a policy and by-law language on sexual violence, you can work with others to put something in place through a resolution at a membership or executive meeting or through the by-law review committee.

The definition of sexual violence should be made clear along with a definition of consent, a commitment to prevent and address sexual violence, a commitment to ongoing training of executive and rank-and-file members and a clear reporting and accountability process.

Here's a brief checklist:

Prevention

- ✓ Develop and implement a clear zero-tolerance policy against sexual harassment and sexual violence with clear definitions;

- ✓ Ensure ongoing mandatory training and education awareness on consent, sexual violence and the intersections of different identities for the members - this can be paid fully by the local or collaboratively with the employer;
- ✓ Implement trauma-informed training for all leaders, especially stewards and health and safety committee members.

Bargaining

- ✓ Negotiate language in the collective agreement that names and addresses all forms of sexual violence including member to member incidents. Some locals such as locals 3902, 3261 & 1230 have language that addresses protection for witnesses; no reprisals; ability to object to the choice of investigator if it is member to member conflict.
- ✓ Develop union local policies and practices that encourage a proactive and transparent process to address sexual violence.

Clear, transparent and quick response

- ✓ Establish a clear, trusted reporting process for those who have experienced sexual violence that includes prompt investigation.
- ✓ Clearly identify who people should contact, such as trained members.
- ✓ Ensure that there are trained members in place to receive complaints and ensure ongoing training and rotations, as doing this work can carry its own vicarious trauma.
- ✓ Make sure members are very aware of this process and allow options that don't mandate a formal mechanism. Not all survivors are interested in legal processes or involving the police or employer.
- ✓ Keep the survivor aware of the process. When relying on grievances and investigations, these processes can sometimes leave the grievor with little say in the resolution process. Particularly in the case of sexual violence, the survivor should have as much control as possible over the process.
- ✓ Once an investigation has begun, put in place mechanisms that ensure distance between those involved and ensure no one faces repercussions for being part of the process.

Union culture

- ✓ Promote a union culture that makes sexual violence unacceptable and easy to name and disrupt it if it occurs.
- ✓ Ensure that sexual violence is a union issue and not only a women's issue.
- ✓ Encourage members to see our union is made stronger when we make respect, solidarity and accountability our priorities.

- ✓ Remain aware of implicit bias. Racial stereotypes may come into play when Indigenous, Black, and racialized women complain of experiencing sexual violence.

Implicit bias can also show up when responding to complaints from persons with disabilities, those who are sex workers and those who are LGBTQI2S+.

This may create unnecessary and additional hurdles in the way of achieving fair resolution and perpetrator accountability. As union members we should seek ongoing training to recognize implicit bias and racism when investigating and resolving harassment complaints.

We meet our legal obligations to both the accused and the target of harassment by conducting an investigation fairly, in good faith, and without discrimination.

We can also financially and otherwise support and work with rape crisis centres and anti-violence community organizations to develop learning opportunities and awareness campaigns that speak to the spectrum of violence and how we as union members are made weaker by not addressing it.

Conclusion

We can end sexual violence and harassment within our union, and it is our joint responsibility to do so.

We can make sure that our unions are strong and free from sexual violence and harassment.

Only until we do so and ensure that our unions are free from all forms of violence, harassment and discrimination will we be in a position to win for all.

If you are interested in becoming more involved in your union and helping to advance change, consider organizing and running in your next local elections.

Also consider attending CUPE Ontario's Human Rights Conference and Women's Conference where you can run to be elected on either one of the Human Rights Committee or the Women's Committee.

Resources

Community resources:

- [Assaulted Women's Helpline](#) - 1-866-863-0511 – A 24-hour telephone and TTY crisis line for women in the province of Ontario.
 - The Assaulted Women's Helpline is a free anonymous and confidential 24-hour telephone and TTY crisis telephone line to all women in the province of Ontario who have experienced any form of abuse. They provide support in 200 Languages, 24 hours, 7 days a week, 365 days a year. They provide crisis counselling, safety planning, emotional support, information and referrals and work in tandem with community partners and sister agencies towards bridging gaps in service and identifying emerging issues or trends relevant to the women we work with. Deaf, deaf-blind and hard of hearing services are available 24 hours a day, 7 days a week. There's also the Senior Safety Line accessed by calling 1-866-299-1011.
- [Barbra Schlifer Commemorative Clinic](#) - is a specialized clinic for women fleeing violence. The clinic provides legal help in family, immigration, criminal and sexual assault law including multi-lingual interpretation and translation services in over 200 languages.
- [Canadian Association of Sexual Assault Centres](#) - provides a list of anti-violence centres across Canada.
- Indigenous Supports
 - Check your area to see what services are available for Indigenous peoples who have experienced violence, which may include Friendship Centres, Indigenous Health Centres, Indigenous-based shelters and Indigenous specific crisis lines.
 - Talk4Healing, www.talk4healing.com - is a culturally grounded, fully confidential talk, chat and text service available to Indigenous women living in urban, rural and remote communities, both on and off reserve in Ontario. You can access Talk4Healing by calling the toll-free number 1-855-554-4325.
 - Native Women's Association of Canada toolkit "You are Not Alone" <https://www.nwac.ca/wp-content/uploads/2015/04/NWAC-You-Are-Not-Alone-Handbook-with-weblinks.pdf>
 - Ontario Federation of Indian Friendship Centres [toolkit](#) "Taking Care of Each Other's Spirit."

- [Native Youth Sexual Health Network](#) - is an organization by and for Indigenous youth that works across issues of sexual and reproductive health, rights and justice throughout the United States and Canada.
- [Fem'aide](#) is a provincial telephone helpline for Francophone women dealing with violence. They provide support, information and referral to appropriate front-line services within their communities, 24 hours a day, 7 days a week. You can access Fem'aide by calling the toll-free number 1-877-336-2433.
- LGBTQ2+ Supports
 - [Trans Lifeline](#), 1-877-330-6366 - trans-led organization dedicated to improving the quality of trans lives by responding to the critical needs of our community with direct service, material support, advocacy, and education.
 - [LGBT Youthline](#), 1-800-268-9688, - offers a toll-free peer-support phone line for lesbian, gay, bisexual, transgender, transsexual, two-spirited, queer and questioning young people.
 - Canadian Aids Society - provides a list of key transgender support [resources](#).
- [ShelterSafe](#) is an online resource, developed by Women's Shelters Canada, to help women and their children seeking safety from violence and abuse. On their website is a clickable map of Canada that serves as a fast resource to connect women with the nearest shelter that can offer safety, hope and support. You can click on the map of Ontario and there you will be asked to type in information such as your address, how far you need the closest shelter/ transition house to be and if you need space for children, pets and any accommodation needs.
- [SHARE](#) - The Human Rights Legal Support Centre (HRLSC) launched SHARE - the Sexual Harassment and Assault Resource Exchange. SHARE is a service that supports all workers who have experienced sexual harassment or assault at work in 140 languages. They provide free, confidential legal information to workers about all their available options to address their experience. You can find more about SHARE by visiting their [website](#) or by calling using the following information.

The SHARE Team can be reached by calling the HRLSC and following the prompts. You will need to press 8 to reach the SHARE intake staff.

Tel: (416) 597-4900

Toll Free: 1-866-625-5179

TTY: (416) 597-4903

TTY Toll Free: 1-866 612-8627

Their telephone lines are open:

Monday, Tuesday, Wednesday and Friday: 9 am to 5 pm

Thursday: 2 pm to 6 pm

- [White Ribbon Campaign](#) - campaigns to build a movement of men and boys working to end violence against women and girls, promote gender equity, healthy relationships and a new vision of masculinity.
- [Women's Legal Education and Action Fund](#) (LEAF), 1-888-824-5323 - intervenes in legal cases which have an effect on equality rights in Canada and provides education and other resources on equality issues, including issues faced in the workplace.
- [211](#) - is a service that connects those living across Canada with information about a range of social services and includes a helpline (2-1-1) available 24 hours a day, 7 days a week in over 100 languages.

CUPE Resources

- Check out CUPE's online violence prevention resources:
 - It's Not Part of the Job. www.cupe.ca/notpartofthejob
 - Workplace Violence and Harassment Prevention Kit www.cupe.ca/violence-prevention-kit
 - Guideline to Preventing Violence and Harassment in the Workplace www.cupe.ca/sites/cupe/files/guideline_for_violence_prevention_in_the_workplace.pdf
 - Workplace harassment and mental injuries: examining root causes www.cupe.ca/sites/cupe/files/harassment_and_mental_injuries.pdf
 - Stop Harassment: A Guide for CUPE Locals www.cupe.ca/sites/cupe/files/stop_harassment_guide.pdf
 - Domestic Violence and the Workplace: A Bargaining Guide, www.cupe.ca/sites/cupe/files/domestic_violence_english_lr.pdf



ⁱ Metropolitan Action Committee on Violence Against Women and Children (Metrac)—presentation to CUPE’s National Post-Secondary Task Force, 2018.

ⁱⁱ Ryerson University, Sexual Violence Policy <https://www.ryerson.ca/policies/policy-list/sexual-violence-policy> .

ⁱⁱⁱ Krug et al., eds. 2002, World report on violence and health. Geneva, World Health Organization. p. 149.

^{iv} METRAC presentation to CUPE’s National Post-Secondary Task Force, 2018.

^v This paragraph is based on page 3 of *Overcoming Barriers and Enhancing Supportive Responses: The Research on Sexual Violence against Women*, Centre for Research and Education on Violence Against Women and Children, Western University, May 2012.

^{vi} *Canadian Public Opinion Poll on Sexual Harassment at Work*, Angus Reid Institute, 2014, available <http://angusreid.org/wp-content/uploads/2014/12/2014.12.05-Sexual-Harassment-at-work.pdf> .

^{vii} Lesbian, Gay, Bisexual, and Transgender Workplace Issues <http://www.catalyst.org/knowledge/lesbian-gay-bisexual-transgender-workplace-issues-What-was-the-data-based-on?Poll?Interviews?> .

^{viii} Ibid.

^{ix} Benoit, Cecilia et. al. 2015. *Issue Brief: Sexual Violence against Women in Canada*. Commissioned by the Federal-Provincial-Territorial Senior Officials for the Status of Women.