



Personal Harassment in the Workplace Questionnaire

ONA GEL File #: _____ Grievor Name: _____
Bargaining Unit _____
Grievance #: _____ Employer: _____

Introduction

This questionnaire is to be completed by you alleging personal harassment in the workplace (also referred to as non-Code harassment). Noted below are a number of questions that deal with this grievance. The reason for asking for this information is to assess the best way in which ONA can assist in resolving the issues.

Personal harassment refers to any type of workplace harassment or bullying that is not related to the prohibited grounds in the Ontario *Human Rights Code*. The Code only covers harassment related to certain personal characteristics, e.g. race, sex, sexual orientation, religion, disability, etc. All other types of harassment are captured using this questionnaire. If the harassment relates to Union activity, then please complete the questionnaire titled "Discrimination Questionnaire." Some examples may include making derogatory comments, remarks or jokes, or use of profane, abusive or threatening language.

Should a grievance proceed to arbitration, it is necessary for the Arbitrator to hear evidence about events at the time that the grievance was filed. The Arbitrator will look at all the evidence put forward by ONA and the employer and decide whether harassment has occurred, whether the employer knew or ought to have known about it, and whether the employer has taken appropriate steps to investigate and respond to it.

If the employer cannot provide a credible explanation for its actions/inactions or decisions, an Arbitrator may find that there has been a violation of the collective agreement. The more direct evidence ONA gathers, the more likely the grievance will be successful. We, therefore, need considerable help in gathering the evidence.

The *Occupational Health and Safety Act* requires that employers have policies and procedures in place to address workplace harassment. Employees have the right to file a complaint under an employer's workplace harassment policies in addition to filing a grievance. The *Act* defines workplace harassment as follows:

"workplace harassment" means engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome;

The definition of workplace harassment is inclusive of various types of harassing behaviour including bullying and psychological harassment. The definition of harassment in your collective agreement may differ from the definitions set out in the OHSA.

Questions

Please identify each incident where you (can stay if this is the committee and not the member?) believe you have been subject to harassment. For each incident, answer the following questions using both sides of the paper if needed:

1. Please describe how each incident occurred in the following ways:

(a) What harassing comments or conduct were you subjected to?

(b) What is the relationship, if any, between you and the perpetrator?

(c) When did this take place?

(d) Where did it happen?

(e) Who was present? (Name any witnesses to the incidents of harassment)

(f) Did you report the incident?

☐ Yes ☐ No

If yes, when and to whom?

(g) What steps did the Employer take to address the incident(s) of harassment?

2. How did the harassment affect you?

(a) What negative impact has this incident(s) had on your work life?

(b) Have there been any physical and/or mental/psychological impacts on your health as a result of this incident(s)?

☐ Yes ☐ No

Have you sought medical treatment or counselling?

☐ Yes ☐ No

Note: At a later stage, you may be asked to sign a consent to release relevant medical information to ONA. ONA will ensure the privacy and confidentiality of this information.

(c) What financial losses or opportunities did you suffer? Are there other losses or disadvantages experienced by you? Please identify all losses.

3. Have other members been subjected to similar incidents of harassment?

☐ Yes ☐ No

Describe the Who, When and Where of these incidents.

4. Does the employer have a workplace harassment policy in place? If so, please attach a copy.

☐ Yes ☐ No

5. (a) Have you filed a complaint under your employer's workplace harassment policy? If so, please attach a copy of the complaint and report its current status under the internal process.

☐ Yes ☐ No

- (b) Is there an investigation/employer report? If yes, provide a copy.

☐ Yes ☐ No

Conclusion: Points to bear in mind and for you to be aware of:

1. If you are unable to answer any of these questions at this time, we ask that you please gather and obtain the necessary information and forward it to your Grievance Chair/ Bargaining Unit President and LRO immediately.
2. Please attach copies of any and all documents that may relate to your complaint including e-mails, meeting notes, or any other written documentation. Please keep copies of the originals as they may be required for a future arbitration hearing.
3. The member has the right to have a union representative and ONA will assist them when they are going through employer process.