



FÉDÉRATION DU PERSONNEL DE SOUTIEN  
DE L'ENSEIGNEMENT SUPÉRIEUR (CSQ)



## **BY-LAW N° 8**

### **TO COUNTER PSYCHOLOGICAL HARASSMENT AND VIOLENCE IN THE UNION**

June 2019

## **Objective**

This bylaw aims to counter psychological, sexual or discriminatory harassment and violence and to maintain a union environment free of these forms of harassment and violence and ensure the protection of persons' dignity and physical and psychological integrity.

## **Chapter 1 Definitions**

### **1.1 Psychological Harassment**

Psychological harassment is vexatious behavior that manifests itself by actions, comments or gestures that are repetitive, hostile or unwanted that affects an individual's dignity or psychological or physical integrity and leads to a harmful work environment for this person.

Psychological harassment also includes such conduct when it manifests itself in such words, actions or gestures of a sexual or discriminatory nature (race, colour, sex, gender identity or expression, sexual orientation, etc.).

A single serious case of such conduct may also constitute psychological harassment if it harms and produces an ongoing harmful effect for the person.

### **1.2 Violence**

Violence is defined as abusive behavior, threats or attacks against a person in circumstances related to their union duties and involving explicit or implied risks to their safety, well-being or health.

## **Chapter 2 Field of Application**

This bylaw applies to all elected and unelected persons who comprise the governing bodies provided for by the Federation's statutes or who participate in the various committees or other activities organized by the Federation. A person may be covered either as a victim or a person who is the subject of a complaint.

## **Chapter 3 Duties Concerning the Processing of Complaints**

Confidentiality in the processing of complaints must be ensured by the Committee to Counter Psychological Harassment and Violence in the Union, by the Executive Committee of the Federation, and by the Appeals Committee. They all must proceed expeditiously when a complaint is made known to them.

## **Chapter 4    Committee to Counter Psychological Harassment and Violence in the Union**

### **4.1    Creation**

The Federation shall create a Committee to Counter Psychological Harassment and Violence in the Union. This committee shall be the responsibility of the Executive Committee of the Federation.

### **4.2    Composition**

The Committee shall be composed of three (3) people and one substitute:

- one person representing the Executive Committee;
- two (2) people elected by the Federal Council;
- one substitute, elected by the Federal Council, who will have to act when one of the members of the Committee is a delegate of the union of the person who filed the complaint or of the person who is the subject of the complaint.

### **4.3    Functioning**

Committee members are appointed for one (1) year. This mandate is renewable.

The Committee may, at any time, be joined by one or more persons whose expertise on psychological harassment or violence is recognized. These individuals, however, shall not sign the report that the Committee is required to submit to the Federation's Executive Committee for each complaint that is filed.

### **4.4    Decisions**

Decisions are made by a majority of the members of the Committee.

### **4.5    Mandate**

The Committee's mandate consists of three (3) components:

- Prevention;
- The processing of complaints of psychological harassment or violence;
- Support for victims.

#### **4.5.1 Prevention**

With respect to prevention, the Committee shall:

- Provide information about this bylaw to anyone who requests it;
- Ensure training for anyone acting within the framework of this bylaw;
- Refer, when needed, to the studies and recommendations issued by the CSQ Committee to Counter Psychological, Sexual or Homophobic Harassment and Violence.

#### **4.5.2 Processing of Complaints**

The Committee shall:

- Receive any complaints sent to it;
- Investigate by analyzing the facts of the complaint;
- Submit a report of each complaint received to the Executive Committee of the Federation;
- Deliver its recommendations on the merits of the complaint to the Executive Committee of the Federation which will then take appropriate action, subject to the application of Chapter 5;
- Ensure that an agreement reached between the person who filed the complaint and the person who is the subject of the complaint is respected.

#### **4.5.3 Support for Victims**

The Committee shall provide support for any victim of psychological, sexual or homophobic harassment or violence who requests it, in order to bring the situation to an end.

#### **4.6 Report**

At the end of each mandate, the Committee shall submit a report of its activities to the Executive Committee of the Federation, if necessary.

## **Chapter 5    Appeals Committee**

When the Committee to Counter Psychological Harassment and Violence in the Union recommends that a complaint be dismissed, the person who filed the complaint can then appeal the decision through the Appeals Committee.

### **5.1    Composition**

The Appeals Committee is part of the Federal Council and is composed of four (4) persons and one substitute:

- the Executive Committee member responsible for the Committee to Counter Psychological Harassment and Violence in the Union;
- three (3) people elected by the Federal Council;
- one substitute elected by the Federal Council who will have to act when one of the members of the Committee is a delegate of the union or of the person who filed the complaint or of the person who is the subject of the complaint.

### **5.2    Appeal Procedure**

When a decision of the Committee to Counter Psychological Harassment and Violence in the Union is appealed, the person who filed the complaint shall be summoned to a meeting of the Appeals Committee. This summons must be sent at least five (5) days before the meeting.

The person who is the subject of the complaint shall be summoned within the same limits, at a different time of the day.

At this meeting, the person who filed the complaint and the person who is the subject of the complaint have the right to speak, but do not have the right to vote.

### **5.3    Decision of the Appeals Committee**

The Executive Committee member responsible for the Committee to Counter Psychological Harassment and Violence in the Union has the right to speak, but not the right to vote.

If the Appeals Committee maintains the recommendation of the Committee to Counter Psychological Harassment and Violence in the Union to dismiss the complaint, the Executive Committee shall take note and may propose to the complainant other means to resolve the situation.

If the Appeals Committee rejects the recommendation of the Committee to Counter Psychological Harassment and Violence in the Union, the Executive Committee shall take note and take appropriate actions.

## **Chapter 6    General Provisions**

### **6.1    Entry into Force**

This bylaw comes into force the moment it is adopted by the Federal Council.

Its entry into force results in the repeal of Bylaw 8 to counter sexual or homophobic harassment (February 2003).

### **6.2    Changes to the Bylaw**

Any changes to this bylaw must be adopted by the Federal Council.