



Health and Safety Santé et sécurité



The H1N1 Flu Virus and Your Rights at Work

Agriculture Union members are increasingly concerned for their health and safety at work as the number of reported cases of Influenza Type A (H1N1) rises in Canada and worldwide.

All Agriculture Union members have the right to work in a safe and healthy workplace. It is important you be aware of your rights. For more information on this important issue, please refer to the PSAC's website bulletin:

<http://www.psc.com/news/2009/what/20091109-e.shtml>

Workplace Harassment

Harassment is defined as any improper conduct by an individual, that is directed at and offensive to another person or persons, 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.

Some questions that can help assess whether the behaviour, act, comment or display constitutes harassment are:

- Is the behaviour unwelcome or offensive?
- Would a reasonable person view the conduct as unwelcome or offensive?
- Did it demean, belittle or cause personal humiliation or embarrassment?

It is also important to note that performance management does not generally constitute harassment.

So, what does all this mean? Well, to put it simply, if you feel that you are being harassed there are a couple of steps that you need to follow:

- Inform the harasser that you are feeling harassed.
- If the harasser does not stop, inform your supervisor/manager ASAP (the employer has a responsibility to provide you with a harassment free work environment).
- Contact your local representative, RVP or National Director for guidance and advice.

Harassment must also be addressed in the employer's Workplace Violence Prevention Program. Part XX of the *Canadian Occupational Safety and Health Regulations* dictates that the employer shall develop and post a Workplace Violence Prevention Program.

Work Place Violence Prevention Policy

20.3 *The employer shall develop and post at a place accessible to all employees a work place violence prevention policy setting out, among other things, the following obligations of the employer:*

- (a) to provide a safe, healthy and violence-free work place;*
- (b) to dedicate sufficient attention, resources and time to address factors that contribute to work place violence including, but not limited to, bullying, teasing, and abusive and other aggressive behaviour and to prevent and protect against it;*
- (c) to communicate to its employees information in its possession about factors contributing to work place violence; and*
- (d) to assist employees who have been exposed to work place violence.*

Your local workplace OHS committee or representative should be involved in the implementation of a workplace violence prevention program. An appropriate role for the committee or representative would be:

- to review any real or potential situations of violence for the workplace;
- to define the parameters of a competent investigator;
- to determine the scope of an investigation;
- review investigation reports as per the regulation;
- review and monitor effective training.

If you believe you are being harassed there are many resources and references you can turn to including:

- Employee Assistance Program
- Local Union Representative, Regional Vice President or National Director
<http://www.agrunion.com>
- Departmental Office of Conflict Resolution / HR office
- Treasury Board Policy <http://publiservice.tbs-sct.gc.ca/pol/doc-eng.aspx?evttoo=X&id=12414§ion=text>
- Canadian Human Rights Act <http://laws.justice.gc.ca/en/H-6/index.html>
- COSHR http://laws.justice.gc.ca/eng/SOR-86-304/page-10.html#anchorbo-ga:l_XX
- CLC Part II http://laws.justice.gc.ca/eng/L-2/page-2.html#anchorbo-ga:l_II

Harassment does not typically happen out of the blue nor is it usually an isolated incident. What affects you today may not affect you tomorrow, so take some time to think before you react.

Making it Home Safely Every Day is what Health and Safety is all about. Make sure that injuries and tragedies don't happen at your worksite.