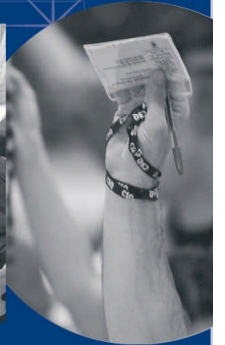


CENTRALE DES SYNDICATS DU QUÉBEC



Au service des personnes En mouvement avec son temps



CSQ

Centrale des syndicats
du Québec



CSQ

Psychological Harassment in a Unionized Work Context

Experiences of CSQ members

Stopping the Spread of Psychosocial Hazards at Work

Ottawa, October 2011

Presentation outline

- The legislation
- Union experience
- Possible solutions

The legislation

- June 2004: 1st in North America: entry into force of a new **standard** giving the right to a workplace free from psychological harassment (Act respecting labour standards)
- 1st time a workplace **psychosocial risk** is the subject of a standard
- Incomplete legislation



Worker and CSQ union experiences

Sources:

- 1. Survey conducted 2 ½ years ago with unions – **Response rate**.: 27,8% of unions representing + 52 000 members (47,27%)
- 2. Recent meetings with union representatives

Legal route

- Grievances brought to arbitration in **education** since 2004: approximately 400
- Arbitration:
 - Grievances heard in chronological order (except dismissal grievances) – no accelerated procedures for PH grievances
 - PH grievances may be heard only years later
 - Establishment of the *loser pays* rule (***Qui perd paie***) during the 2005 negotiations

Legal Route (continued)

- Excessive costs associated with arbitration (nb days++) – **ruinous** for unions
- **Majority of grievances are lost**, despite the existence of very real malaise
- Increase in number of complaints filed against the union for inadequate representation (art. 47.2 and 47.3 C. tr.)
- **Limited and inappropriate legal route** – Mediation most often used to resolve grievances or difficult situations

Employer practices Policies

- The majority of employers adopted **policy** on PH including a complaints procedure but without integration with the **grievance** procedure (appeal, delay, prescription), nor any **obligation to review** the policy in any given time
- **Arbitrary** consultation of unions during the planning of the policy
- E has no obligation to inform the union of the existence of a complaint
- Policy is publicized in various ways

Employer practice Training - Prevention

- Very few employers offer training to managers and employees
- Responding to this inaction, many unions take charge of training their membership
- Prevention by E: + or - = 0

Some situation at the root of PH

- Ambiguity of roles
- Pedagogical conflicts
- Restructuring of services
- Arrival of new management
- Degenerating personal conflicts
- Tolerance of unhealthy work environment

Union comments

Relationship of the union with its membership

- Difficulty in dealing with cases of horizontal harassment
- Duty to represent some presumed harassers claiming to be PH victims themselves
- Duty in defining the situation (PH, conflict, exercise of management rights, management style etc.)

Union comments (continued)

Relationship of union with its membership

- Management of members' perceptions
- Duty to treat members equally
- Difficulty in establishing limits on the type of support offered to members

Union comments (continued)

Members' reaction

- Hesitation on members' part to lodge complaint against **immediate supervisor**
- Difficulty for the presumed victim to work with the presumed harasser on a daily basis

Union comments (continued)

Union's role

- Lack of union influence on the workplace – feeling trapped
- Expanding role of unions
- Need for social and psychological intervention training

Possible solutions

Reparation

- Articulation of a grievance aimed at E
- Psychological support for victims (EAP, support network, etc.)
- Preventive mediation aimed at the relationships between individuals, work organization and management styles

Possible solutions (continued)

Reparation

Last resort

- Grievance arbitration:
 - Demand an accelerated arbitration process
 - Demand that PH grievances be exempt from *Loser pays* rule

Possible solutions

Prevention

- Firm commitment from management
- Global approach to the workplace (organizational and individual factors)

Possible solutions (continued)

Prevention – address the causes

- Prevention and reparation policy for PH, as well as for any kind of abuse of authority and for work organization issues
- Management accountability

Possible solutions (continued)

- Duty to establish a joint H&S committee—mandate:
 - Prevention of psychological health and psychosocial risks in the workplace
 - Participation in the elaboration of the policy
 - Examination of organizational dynamic (work organization; management style etc.)
 - Surveys addressing quality of work life, job satisfaction, work stresses etc.

Possible solutions (continued)

- **H&S committee mandate** (continued) :
 - Identification of principal sources of PH and workplace conflicts
 - Intervention
 - Awareness and training of staff and management
 - Follow-ups

Possible solutions (continued)

**Unions must take the offensive
Oblige employers to address
prevention**





**Thank you for your
attention!**

ANY QUESTIONS ?