

# York Unions

## YUFA on sexual harassment remedies

The following statement has been approved by the YUFA Executive. It seems necessary to us that the dialogue about sexual harassment continue in a manner which will more directly involve the various constituencies within the York Community. The issue of sexual harassment is not a matter which can be resolved via Presidential policy alone. Hopefully, this will broaden the process initiated by the Presidential Advisory Committee on Sexual Harassment.

Howard Buchbinder  
Chairperson, YUFA

Sexual harassment must be addressed as an exploitive practice rooted in the exercise of power and coercion which characterizes institutional sexism. As unions, we should be able and willing to work towards the elimination of exploitive practices in any form, particularly since these practices in the work place are inextricably related, among other things, to systematic interference with the economic welfare and productive working conditions of a large proportion of our memberships.

YUFA notes with satisfaction the recent initiatives to mobilize concern about sexual harassment on campus. In fact, Clause 3.01 of our Collective Agreement with the Administration of this University confirms our joint opposition to discrimination by reason of sex, sexual preference, or sexual orientation; forms of discrimination of which sexual harassment is a sub-set.

YUFA is concerned with the fact that persons on the campus involved with women's issues seem to have turned to the Administration to deal with issues of sexism while ignoring the union constituencies as a means of addressing such issues. Our concern is not based simply on protectionism or preoccupation with jurisdictional boundaries—although a union's concern with jurisdictional obligations is not a trivial one.

YUFA therefore invites members of the University community concerned about the issue to focus their concerns directly upon the unions, particularly the union to which they themselves belong. To be more specific, the YUFA Executive Committee believes that the preliminary report to the President of the Committee on Sexual Harassment is not an adequate response to the problem as we see it. In part, its inadequacy arises from the fact that the Committee is advisory to the President and therefore, does not permit in its implementation the direct participation of the unions in confronting the problem in a public and constructive manner.

In addition, some of the procedures introduced in the preliminary report seem to us to violate certain basic human and civil rights and substitute for

procedures already established under the grievance provisions of our Collective Agreement. Nevertheless, the work done by the Committee is of great importance in its demand on the community for a response to the problem. Accordingly we propose the following alternatives:

1. To consider changes and/or clarifications of the Collective Agreement in the following areas:  
a) Clause 3.01 Non Discrimination—to make explicit the fact that discrimination on the basis of sex, sexual preference and sexual orientation includes practices of sexual harassment.

b) Article 11 on Professional Responsibilities—to ensure that the specification of members' professional responsibilities includes the notion of not discriminating against other members of the University community for reasons of sex, sexual orientation, sexual preference, political belief, religion...etc. etc.

c) Affirmative Action—to engage in developing and negotiating an "affirmative action" (perhaps along the lines of the one just initiated at the University of Manitoba) in order to begin to correct the gender-based imbalance of power relations which underlies the issue of sexual harassment.

2. To consult with other unions on campus in order to develop a coordinated effort toward ensuring the inclusion in all Collective Agreements of provisions relevant to sexual harassment such as are outlined in item 1 above.

3. To consult with student organizations on campus on requesting Senate C.E.A.S. Committee to strike a sub-committee charged with establishing a charter of student rights which acknowledges the academic freedom of students and provides them with a non-discrimination clause similar to our own; and which established procedures for rectifying any infringements of students' academic freedom through discrimination based on sex among other things. (These procedures could establish a University wide standard for considering student appeals, although their implementation may be decentralized; they could address the problematic issue of wherein resides authority in the classroom—for example, who assigns grades, who may change grades, who may accept students into courses or provide for their placement in particular course sections etc.)

4. To explore the establishment of a counselling/advising centre specifically to counsel and direct individuals to the appropriate channels for dealing with harassment (of any kind).

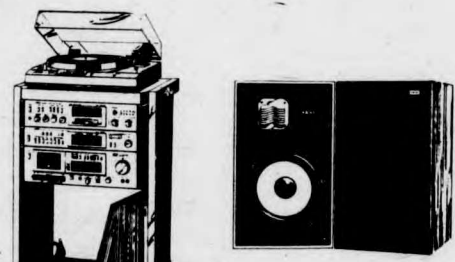
5. To consult with other concerned organizations on campus with a view to initiating educational events directing the attention of members of the University community to the existence, underlying causes, and deleterious effects of sexual harassment in the work place.

This statement and the proposals reflect the concern of the YUFA Executive that sexual harassment is a problem to be confronted and that a basis for such actions is already present in our existing Agreement. Consequently, members who violate these provisions, as in the case of other provisions of the Collective Agreement, may be subject to discipline by the employer and in certain circumstances such discipline may take the form of dismissal. Where additional structures or processes seem necessary we have proposed them (items 3, 4, 5).

We offer this alternative as a basis for discussion among our membership. We would encourage written responses and suggest the possibility of an open YUFA forum for all members of the University community.

We urge other unions and constituencies to adopt appropriate actions along the same lines.

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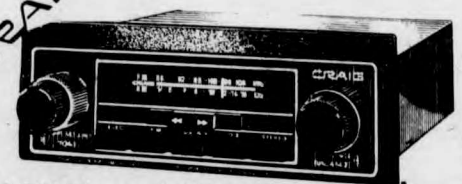
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