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October 28, 2026

UNION PROPOSALS

FOR CREATION OF THE COLLECTIVE AGREEMENT

Between the

Ontario Public Service Employees Union (OPSEU)

For the College Academic Part-Time and Sessional Staff

(the “Union”)

And

The College Employer Council

The “Employer”

The following Union proposals are tabled without prejudice. Further the Union reserves the right to ADD, DELETE, AMEND or otherwise alter these proposals during the course of bargaining.

Article 3 NO DISCRIMINATION/BULLYING/HARASSMENT

The College is committed to fostering and maintaining a workplace that is free from discrimination, bullying, harassment of any kind, and other forms of inequitable or unwelcome treatment, as defined in this Article, the *Ontario Human Rights Code*, *R.S.O., 1990,* and the *Occupational Health and Safety Act, R.S.O., 1990*. The College shall take any and all proactive measures to prevent and address discrimination, bullying, harassment of any kind, and other forms of inequitable or unwelcome treatment.

The parties recognize that many part-time and sessional employees are members of equity-deserving groups and may experience systemic barriers that affect their employment. The College has a responsibility to foster and maintain a safe, respectful, and inclusive workplace in which all employees have equitable access to employment opportunities.

For the purposes of this Article, an employee may file a complaint within eighteen (18) months of the most recent incident occurring, regardless of the employee's current employment status.

3.01 A The parties agree that, in accordance with the provisions of the *Ontario Human Rights Code, R.S.O., 1990*, there shall be no discrimination and/or any type of harassment against any employee by the Union or the Colleges, by reason of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status, or disability.

3.01 B It is understood that nothing contained in 3.01 A limits the right of an employee to grieve in accordance with the procedure as set forth in Article XX, Grievance and Arbitration Procedures.

Where an employee has a complaint about workload based upon the provisions in the *Ontario Human Rights Code*, *R.S.O., 1990*, the employee shall have a right to pursue the complaint in accordance with the procedures set out in Article XX, Health and Safety, and all other applicable articles set out in this Agreement.

3.01 C The parties agree that the implementation of a special program under Section 14 of the *Ontario Human Rights Code, R.S.O., 1990*, as amended, shall be deemed not to contravene 3.01 A.

3.02 A 1 All employees covered by this Agreement have a right to freedom from all types of harassment including bullying, sexual harassment, workplace violence, and psychological harassment, by their employer, an agent of the

employer, another employee, student, individual, or group on the basis of any grounds covered by the *Ontario Human Rights Code*, *R.S.O., 1990,* and the *Occupational Health and Safety Act, R.S.O., 1990*.

3.02 A 2 Article 3.02 A 1 does not preclude the complainant from concurrently pursuing criminal action. The College is required to inform the complainant of this option.

3.02 A 3 Harassment, including bullying, psychological harassment and workplace violence, refers to any vexatious comment, conduct, and/or behaviour that is known, or ought reasonably to be known, to be unwelcome and that:

(i) adversely affects an employee's dignity, psychological, and/or physical integrity;

(ii) could reasonably be regarded as intending to intimidate, offend, degrade, or humiliate; and/or

(iii) results in a hostile, intimidating, and/or harmful environment, and/or relationship.

Examples of harassment include, but are not limited to:

- berating/belittling;
- making unwarranted criticism;
- undermining or deliberately impeding a person's work;
- spreading rumours or gossip;
- making physical gestures intended to intimidate, offend, degrade, or humiliate;
- making comments that are threatening, derisory, or defamatory;
- targeting an employee; and/or
- engaging in microaggressions, including verbal, non-verbal, behavioural, or an environmental slight, insult, assumption, or exclusion, intentional or unintentional, that expresses a prejudiced attitude, especially toward equity-deserving groups.

3.02 A 4 Sexual harassment refers to but is not limited to:

(i) any behaviour of a sexual nature, such as comments, physical contact, sexual advances, conduct, and/or behaviour based on sex, sexual orientation, gender identity, or gender expression, by a person who knows or ought reasonably to know is unwanted;

(ii) a sexual solicitation, advance, comment, conduct, and/or behaviour by a person in a position to confer, grant, or deny a benefit or advancement to the employee where the person knows or ought reasonably to know that it is unwanted; and/or

(iii) a reprisal or a threat of reprisal for the rejection of or a complaint regarding a sexual solicitation, advance, comment, conduct, and/or behaviour where the reprisal is made or threatened by a person in a position to confer, grant, or deny a benefit or advancement to the employee.

3.03 A The College shall promptly investigate any complaints involving discrimination and/or harassment.

3.03 B Upon receipt of a discrimination and/or harassment complaint, the College and the Union Local shall jointly select a qualified investigator. The investigation shall be conducted using a trauma-informed approach that prioritizes the safety and dignity of all employees. A trauma-informed approach is complainant-centric, addresses perpetrator and systemic accountability, respects the employee's agency, and ensures a fair and confidential process.

An employee may request an informal resolution. Upon request, the College will work with the Union in effecting the process and its implementation. At any point in the process, the employee may request mediation or a formal investigation. In the case of mediation, the parties will jointly decide upon a mediator.

3.03 C An employee may file a grievance in relation to any discrimination and/or harassment complaint, in accordance with Article XX, Grievance and Arbitration Procedures. The timelines to file a grievance stipulated in Article XX, Grievance and Arbitration Procedures shall be suspended and will not apply to such cases. The grievance process may proceed in tandem to or following the completion of the investigation process.

3.03 D Pending the final resolution of the investigation and/or grievance, the College shall implement immediate safety measures:

(i) the complainant shall not lose pay, and/or any fringe benefits covered within this Agreement, if a workplace adjustment or leave is required;

(ii) the College shall prioritize relocating or placing the respondent on investigative leave to ensure separation of the complainant and respondent.

3.03 E At any point in time, the employee may seek assistance from the Ontario Human Rights Commission (OHRC), refer this matter to the Human Rights Tribunal of Ontario (HRTO), and/or report the matter to local police services.

3.03 F Where the matter is referred to the HRTO, and where it appears to an arbitrator/arbitration board that an employee who is a grievor under this Article has also made a complaint under the *Ontario Human Rights Code, R.S.O., 1990,* relating to the conduct which is the subject of the grievance, the arbitrator/arbitration board may, as it sees fit, adjourn the grievance or stay the grievance.

3.03 G Information collected during an investigation will not be disclosed unless necessary to investigate the complaint, take corrective action, or as required by law.

3.03 H Both the complainant and the respondent will be informed in writing of the investigation findings and any corrective actions to be taken.

3.03 I In recognizing that this bargaining unit is comprised of precarious workers, these employees are likely to be reticent to utilize existing mechanisms to address incidents of all types of harassment, as they reasonably fear it will negatively impact future employment opportunities.

No employee shall be penalized for bringing forward a complaint, or for cooperating in the grievance, resolution, investigation, or informal resolution procedures of any complaint.

3.04 An employee who makes a complaint under this Article may be accompanied and represented by a Union Steward at the time of the discussion of the complaint, at any stage of the Grievance Procedure, and in the course of any investigations.

An employee who identifies as Indigenous shall be able to bring an Indigenous Elder/Traditional Knowledge Keeper and/or support person to any meetings in relation to the complaint, at any stage of the Grievance

Procedure, and in the course of any investigations, in addition to their Union Steward.

Employees belonging to any equity-deserving group(s) as described in Article 2, Employment Equity, shall be able to bring a support person as defined in Article XX.02, Grievance and Arbitration Procedures, to any meetings in relation to the complaint, at any stage of the Grievance Procedure, and in the course of any investigations, in addition to their Union Steward.

3.05 The parties will work collaboratively to support a work environment that is free from discrimination and all types of harassment.

To fulfill this obligation, the parties agree to:

(i) convene the College Joint Health and Safety Committee (JHSC) on a regular basis to develop, implement, maintain, and/or review policies and procedures to prevent, report on, investigate, and resolve cases involving workplace discrimination and all types of harassment;

(ii) ensure all members of the college community receive mandatory education and training on workplace discrimination and all types of harassment prevention, reporting procedures, and their rights and responsibilities upon hire, and at regular intervals thereafter; and

(iii) provide employees with accessible, confidential, and timely mechanisms for reporting discrimination and all types of harassment without fear of reprisal.

The College will ensure that all outside vendors have been informed about the College's policies and procedures regarding discrimination, bullying, harassment of any kind, and other forms of inequitable or unwelcome treatment, and shall provide them with up-to-date copies of these policies and procedures.

3.06 Reasonable action by the Union, its representatives, or by employees is not harassment.

Examples of this include, but are not limited to:

(i) the legitimate right of union members and officials to reasonably conduct investigations, file grievances, conduct inspections, picket and, without limiting the aforementioned, generally conduct union business in a reasonable manner;

(ii) the legitimate right and responsibility of employees to identify and address inappropriate behaviour and maintain order in the work environment in a reasonable manner;

(iii) respectfully expressing disagreement or reasonably stating a contrary point of view; and/or

(iv) the legitimate exercise of freedom of thought, inquiry, and expression.