

SH 54

# **PRESENTATION ON THE INCLUSION OF SEXUAL HARASSMENT WITHIN THE OPSEU CONSTITUTION**

**Presented by the  
Provincial Womens  
Committee**

**For consideration by  
OPSEU's  
Executive Board**

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**Ontario Public Service Employees Union**

BACKGROUND PAPER



THE PAST DECADE HAS SEEN A SLOW GROWTH IN AWARENESS AND UNDERSTANDING OF WOMENS EQUALITY ISSUES. THIS IS A RESULT OF THE INSISTENT AND ONGOING WORK OF THE 'TRADITIONAL' WOMENS MOVEMENT AND ALSO A RESULT OF THE MORE RECENT BUT STRENGTHENING COMMITMENT OF THE TRADE UNION MOVEMENT TO ITS WOMEN MEMBERS.

THROUGH THE ACTIVITIES OF UNIONS, POLITICAL LOBBIES AND MEDIA COVERAGE - A MUCH WIDER SEGMENT OF SOCIETY HAS BEGUN TO CONSIDER AND DISCUSS SUCH ISSUES AS EQUAL PAY, EQUAL OPPORTUNITY, AFFIRMATIVE ACTION, DAYCARE AND SEXUAL HARASSMENT.

### THE HISTORY OF DEBATE

OF ALL THESE ISSUES, SEXUAL HARASSMENT HAS BEEN PERHAPS THE MOST CONTROVERSIAL, THE MOST SENSITIVE AND MOST DIFFICULT FOR ALL OF US, MEN AND WOMEN, TO DEAL WITH. THE DEBATE ON SEXUAL HARASSMENT HAS BEEN MARRED BY DEFENSIVE LAUGHTER, DENIAL OF THE PROBLEM AND EMOTIONALLY-CHARGED ACCUSATIONS AND MISUNDERSTANDINGS FROM BOTH SIDES. PERHAPS THIS IS BECAUSE OF ALL ISSUES, THIS ONE TOUCHES THE HEART OF THE CHALLENGE TO THE TRADITIONAL STEREOTYPED SEX ROLES.

THE VERY TREATMENT OF THIS ISSUE, ITS DISMISSAL; THE DEFINITION OF THE PROBLEM AS A MALE-FEMALE FIGHT; THE EMOTIONAL RATHER THAN LOGICAL DEBATE; IS IN ITSELF, A REFLECTION OF THE DEEP AND PERVASIVE ATTITUDINAL SEXISM THAT STILL EXISTS. FORTUNATELY WE ARE SEEING THE BEGINNING OF CHANGE.

NEWSPAPERS, MAGAZINES AND RESEARCH JOURNALS ARE CARRYING ARTICLES DEALING IN DEPTH WITH THE ISSUE. THE NEW ONTARIO HUMAN RIGHTS CODE (RECENTLY AMENDED, SOON TO BE PROCLAIMED) CLARIFIES THAT SEXUAL HARASSMENT IS SEXUAL DISCRIMINATION AND THEREFORE ILLEGAL UNDER THE CODE.

MANY UNIONS, SUCH AS OURS, HAVE GONE THROUGH THE DIFFICULT DEBATES; ADOPTED POLICY STATEMENTS; ORGANIZED EDUCATION PROGRAMMES; AND NEGOTIATED CLAUSES AND GRIEVANCE PROCEDURES TO PROTECT OUR MEMBERS FROM SEXUAL HARASSMENT.

THAT DEBATE IS OVER. NOW WE CAN LOOK TO OPSEU POLICY AND THE HUMAN RIGHTS CODE AND DEFINE SEXUAL HARASSMENT. WE NOW UNDERSTAND AND ARE BETTER ABLE TO DEAL WITH THE CONCEPT OF A MANAGER OR SUPERVISOR SEXUALLY HARASSING A SUBORDINATE. WE HAVE RECOGNIZED THE RIGHT OF ALL WORKERS TO DIGNITY IN THE WORKPLACE AND AS TRADE UNIONISTS ARE PREPARED TO FIGHT FOR THAT RIGHT.

### THE REALITIES - THE PROBLEMS

THE REALITY IS THAT MOST - BUT UNFORTUNATELY NOT ALL - SEXUAL HARASSMENT STEMS FROM SUPERVISORY OR MANAGERIAL PERSONNEL. WE HAVE HAD A MUCH MORE DIFFICULT TIME UNDERSTANDING AND DEALING WITH SEXUAL HARASSMENT BETWEEN COLLEAGUES AND CO-WORKERS - ESPECIALLY WHEN TALKING ABOUT BROTHERS AND SISTERS IN OUR UNION.



THE POSSIBILITY OF A MEMBER GRIEVING TO THE EMPLOYER REGARDING SEXUAL HARASSMENT FROM ANOTHER MEMBER IS IN THE VERY LEAST DISTASTEFUL. IT ALSO CHALLENGES THE CONSTITUTIONAL AND LEGAL DUTY OF THE UNION TO FAIR REPRESENTATION OF ALL MEMBERS.

WE HAVE REACHED THE POINT WHERE AS A UNION, OPSEU MUST TAKE THE POSITION THAT SEXUAL HARASSMENT IS COMPLETELY UNACCEPTABLE BEHAVIOUR REGARDLESS OF THE PERPETRATOR. BUT UNLESS WE PROVIDE STRUCTURED ALTERNATIVES, WE LEAVE OUR MEMBERS WITH LITTLE OR NO CHOICE ABOUT WHAT ACTIONS THEY CAN TAKE TO DEFEND THEIR RIGHTS.

THE WOMENS COMMITTEE BELIEVES THE UNION MUST TAKE STEPS TO SEPARATE THE ISSUES OF MANAGEMENT SEXUAL HARASSMENT AND CO-WORKER SEXUAL HARASSMENT.

SEVERAL EMPLOYERS OF OPSEU MEMBERS ARE DEVELOPING AND ADOPTING POLICIES ON SEXUAL HARASSMENT WHICH INCLUDE COMPLAINT RESOLUTION PROCEDURES. THIS DEVELOPMENT IS WELCOME, BUT LOCALS MUST INSIST ON HAVING INPUT INTO THE POLICY AND WHERE POSSIBLE, NEGOTIATING IT INTO THE COLLECTIVE AGREEMENT.

WE ALSO BELIEVE THE TIME IS PRESSING FOR THE INCLUSION OF A SEXUAL HARASSMENT COMPLAINT RESOLUTION PROCEDURE WITHIN OPSEU'S CONSTITUTION. SUCH A PROVISION, BUILT UPON THE PRINCIPLES OF CONFIDENTIALITY, EXPEDIENCY AND FAIR AND DUE PROCESS FOR BOTH THE COMPLAINANT AND THE RESPONDENT, WOULD PROVIDE OUR MEMBERS WITH AN ALTERNATIVE IN-HOUSE PROCEDURE THAT WOULD NOT INVOLVE MANAGEMENT OR OUTSIDE AGENCIES.

## OUR PROPOSAL FOR CHANGE

THE PROPOSAL WE WISH TO PUT FORWARD FOR CONSIDERATION HAS BEEN DEVELOPED BY OUR COMMITTEE AFTER MUCH RESEARCH INTO VARIOUS WORKPLACE POLICIES, CONTRACTUAL LANGUAGE AND DIFFERENT LEGISLATION.

THE COMMITTEE HAS ADOPTED THE DEFINITION OF SEXUAL HARASSMENT FROM THE NEWLY-AMENDED ONTARIO HUMAN RIGHTS CODE. THE AMENDMENTS ARE SCHEDULED TO BE PROCLAIMED INTO LAW THIS JUNE. IT IS OUR HOPE THAT THE CREDIBILITY OF THE SOURCE WILL LEND WEIGHT TO THE SERIOUS NATURE OF THIS PROVISION WITHIN OUR CONSTITUTION.

OUR PROPOSED PROCEDURE BEGINS WITH A MEMBER WHO BELIEVES THAT, UNDER THE CONSTITUTIONAL DEFINITION, S/HE HAS A COMPLAINT OF SEXUAL HARASSMENT. THE FIRST STEP WOULD BE FOR THE COMPLAINANT TO DISCUSS THE COMPLAINT WITH THE EQUAL OPPORTUNITIES CO-ORDINATOR. THE EOC WILL HELP AND ADVISE THE COMPLAINANT ABOUT THE MERITS OF THE COMPLAINT, POSSIBLE METHODS OF RESOLUTION AND AVAILABLE COURSES OF ACTION, INFORMAL OR FORMAL, INTERNAL OR EXTERNAL. ALL DISCUSSIONS HELD AT THIS LEVEL ARE TO BE TREATED WITH COMPLETE CONFIDENTIALITY BY THE EOC.

IF A MEMBER DECIDES TO PROCEED UNDER THIS ARTICLE OF THE CONSTITUTION, A WRITTEN COMPLAINT OUTLINING THE DETAILS AND CIRCUMSTANCES SURROUNDING THE ALLEGED HARASSMENT MUST BE SUBMITTED TO THE EOC WITHIN 3 MONTHS OF THE PRECIPITATING EVENT(S). IMMEDIATELY UPON RECEIPT, THE EOC WILL NOTIFY THE RESPONDENT IN WRITING OF THE NATURE AND DETAILS OF THE COMPLAINT.



UPON REQUEST AND WITH AGREEMENT OF BOTH PARTIES THE COMPLAINT WILL BE REFERRED TO A MEDIATION PROCESS. WE PROPOSE THAT THE LIST OF MEDIATORS BE DRAWN UP BY THE EXECUTIVE BOARD AND COMPRISE OPSEU MEMBERS WHO ARE UNION ACTIVISTS AND WORK OR ARE ACTIVE IN THE SPECIFIC AREA OF HUMAN RIGHTS. INITIALLY WE SUGGEST THAT HUMAN RIGHTS OFFICERS WITHIN OUR MEMBERSHIP WHO ARE ACTIVE IN THE UNION BE APPROACHED TO SERVE AS MEDIATORS. MEMBERS FROM OUR COMMUNITY LEGAL AID CLINICS MAY ALSO BE APPROACHED.

AN AVAILABLE MEDIATOR FROM THE LIST, AGREEABLE TO BOTH PARTIES, WILL BE CONTACTED BY THE EOC, WHO WILL ALSO ARRANGE FOR A MEETING OF THE PARTIES AND REFER THE WRITTEN COMPLAINT TO THE MEDIATOR. IF A RESOLUTION TO THE COMPLAINT IS REACHED AT THIS STAGE THE MEDIATOR WILL DESTROY THE WRITTEN COMPLAINT AND NOTIFY THE EOC OF SAME. AGAIN THE MEDIATORS ARE TO TREAT THE MATTER WITH COMPLETE CONFIDENTIALITY.

FAILING RESOLUTION, THE MEDIATOR WILL RETURN THE WRITTEN COMPLAINT TO THE EOC AND EITHER PARTY CAN REQUEST TO PROCEED TO THE NEXT STAGE. SUCH REQUEST MUST BE MADE IN WRITING TO THE EOC WITHIN 14 CALENDAR DAYS OF THE MEDIATOR'S NOTICE OF FAILURE TO RESOLVE THE DISPUTE. FOLLOWING SUCH A REQUEST THE EOC TURNS OVER THE WRITTEN COMPLAINT AND ADMINISTRATION OF THE PROCEDURE TO THE OFFICE OF THE FIRST VICE-PRESIDENT/TREASURER. FAILING SUCH A REQUEST THE EOC WILL DESTROY THE WRITTEN COMPLAINT.

IF THE COMPLAINT IS BEING PROCEEDED WITH, EACH PARTY HAS THE RIGHT TO NAME A NOMINEE FROM AMONGST THE MEMBERSHIP OF OPSEU TO SIT ON A COMMITTEE CHAIRED BY THE FIRST VICE-PRESIDENT/TREASURER. THIS COMMITTEE SHALL MEET WITH THE PARTIES AS EXPEDITIOUSLY AS POSSIBLE TO HEAR AND INVESTIGATE THE COMPLAINT. BOTH PARTIES ARE ENTITLED TO BE ACCOMPANIED BY A REPRESENTATIVE FROM THE MEMBERSHIP IF THEY SO CHOOSE, AND ARE ENTITLED TO CALL WITNESSES AS REQUIRED.

FOLLOWING SUCH HEARING AND INVESTIGATION THE COMMITTEE SHALL, BY MAJORITY VOTE, MAKE A RULING ON THE CASE AS EXPEDITIOUSLY AS POSSIBLE.

IF FAULT IS FOUND THE RULING WILL INCLUDE IMPOSITION OF SUCH PENALTY AS IS DEEMED APPROPRIATE. PENALTIES MAY INCLUDE A PRIVATE OR PUBLIC, VERBAL OR WRITTEN APOLOGY, A VERBAL OR WRITTEN PROMISE TO CEASE AND DESIST, A STATEMENT OF CENSURE FROM THE COMMITTEE, REMOVAL FROM UNION OFFICE, AND SUSPENSION OF UNION CARD.

FOLLOWING IMPOSITION OF THE PENALTY OR FOLLOWING A FINDING OF NO FAULT AND DISMISSAL OF THE CASE, THE 1ST VICE PRESIDENT/TREASURER WILL RETAIN THE WRITTEN COMPLAINT AND OTHER PERTINENT FILE MATERIALS THAT MAY EXIST FOR AT LEAST 21 CALENDAR DAYS TO ALLOW FOR APPEAL. AFTER THAT DEADLINE HAS PASSED, ALL RELATED DOCUMENTS WILL BE DESTROYED.



IF EITHER PARTY OR THE FIRST VICE-PRESIDENT/TREASURER FEELS PRIOR TO COMMENCING THE COMMITTEE HEARINGS THAT THERE IS A CONFLICT OF INTEREST ON THE PART OF THE FIRST VICE-PRESIDENT/TREASURER, THE PRESIDENT OR PRESIDENT'S DESIGNEE WILL PRESIDE.

BOTH PARTIES HAVE THE RIGHT TO APPEAL A COMMITTEE RULING. SUCH APPEAL SHALL BE MADE IN WRITING TO THE PRESIDENT OR THE PRESIDENT'S DESIGNEE WITHIN 21 CALENDAR DAYS OF THE ISSUANCE OF THE COMMITTEE RULING. SUCH AN APPEAL WILL BE HEARD AND DEALT WITH AS EXPEDITIOUSLY AS POSSIBLE. SUBSEQUENT RIGHT OF APPEAL TO THE EXECUTIVE BOARD AND CONVENTION AS IN ARTICLE 22 WILL EXIST.

#### IN CLOSING

THE WOMENS COMMITTEE BELIEVES STRONGLY THAT WE CANNOT CONTINUE TO AVOID OR IGNORE THIS PROBLEM AND THAT TO LEAVE COMPLAINT RESOLUTION SOLELY IN THE HANDS OF EMPLOYERS WILL DO A DISSERVICE BOTH TO OUR MEMBERS AND THE UNION.

AS TRADE UNIONISTS WE RECOGNIZE THE IMPORTANCE, AND HAVE TRIED TO BUILD INTO THIS PROCEDURE, CONFIDENTIALITY AND PROTECTION OF RIGHTS OF BOTH THE COMPLAINANT AND RESPONDENT. IN THE PAST, FEARS HAVE BEEN EXPRESSED ABOUT POSSIBLE ABUSE OF SUCH PROVISIONS, FRIVOLOUS CHARGES, KANGAROO COURTS, ETC. WE BELIEVE THERE IS NOW A MUCH BROADER UNDERSTANDING OF THE ISSUE OF SEXUAL HARASSMENT AND REALIZATION OF THE SERIOUSNESS OF THE PROBLEM. WE FEEL THIS PROPOSED COMPLAINT RESOLUTION PROCEDURE REFLECTS THIS SERIOUSNESS WHILE ALSO MINIMIZING THE FEARS EXPRESSED ABOUT PREVIOUS PROPOSALS.

## PROPOSED CONSTITUTIONAL AMENDMENT



ADD NEW ARTICLE -

## ARTICLE 18 - SEXUAL HARASSMENT

18.1.1 EVERY PERSON WHO IS A MEMBER HAS A RIGHT TO FREEDOM FROM HARASSMENT (IN THE WORKPLACE AND IN THEIR UNION ACTIVITIES) BECAUSE OF SEX, BY ANOTHER MEMBER.

18.1.2 SEXUAL HARASSMENT IS DEFINED AS ENGAGING IN VEXATIOUS COMMENT OR CONDUCT, BY:

- UNNECESSARY TOUCHING OR PATTING
- SUGGESTIVE REMARKS OR OTHER VERBAL ABUSE OF A SEXUAL NATURE.
- SEXUAL SOLICITATION OR ADVANCE MADE BY A PERSON IN A POSITION TO CONFER, GRANT OR DENY OR INFLUENCE A BENEFIT OR ADVANCEMENT TO THE PERSON.
- REPRISAL OR A THREAT OF REPRISAL FOR REJECTION OF A SEXUAL SOLICITATION OR ADVANCE WHERE REPRISAL IS MADE OR THREATENED BY A PERSON IN A POSITION TO CONFER, GRANT, DENY OR INFLUENCE A BENEFIT OR ADVANCEMENT TO THE PERSON.

... WHERE THE PERSON ENGAGING IN SUCH COMMENT OR CONDUCT KNOWS OR OUGHT REASONABLY TO KNOW THAT IT IS UNWELCOME.

### INFORMAL COMPLAINT

18.2 ANY MEMBER (THE COMPLAINANT) WHO BELIEVES S/HE HAS BEEN OR IS BEING SEXUALLY HARASSED AS DEFINED ABOVE BY ANOTHER MEMBER (THE RESPONDENT) MAY DISCUSS THE COMPLAINT WITH

THE UNION'S EQUAL OPPORTUNITIES COORDINATOR (EOC).  
THE EOC WILL ADVISE THE COMPLAINANT ON THE MERITS OF  
THE COMPLAINT AND AVAILABLE COURSE OF ACTION, INFORMAL  
OR FORMAL, INTERNAL OR EXTERNAL, AND POSSIBLE METHODS  
OF RESOLUTION. ALL SUCH DISCUSSIONS WILL BE TREATED  
WITH COMPLETE CONFIDENTIALITY BY BOTH THE COMPLAINANT  
AND THE EOC.

#### FORMAL COMPLAINT

- 18.3 A MEMBER WHO HAS FOLLOWED THE PROCEDURE OUTLINED IN  
ARTICLE 18.2 MAY FILE A COMPLAINT OUTLINING THE DETAILS  
AND CIRCUMSTANCES SURROUNDING THE ALLEGED HARASSMENT.  
THE COMPLAINT SHALL BE IN WRITING, SHALL NAME THE  
RESPONDENT, AND SHALL BE SUBMITTED TO THE EOC WITHIN  
THREE MONTHS OF THE ACTION(S) COMPLAINED OF.
- 18.4 IMMEDIATELY UPON RECEIPT OF THE COMPLAINT, THE EOC SHALL  
SEND OR DELIVER A COPY OF THE COMPLAINT TO THE RESPONDENT.
- 18.5 IF REQUESTED BY EITHER PARTY, AND PROVIDED THE OTHER PARTY  
AGREES, THE COMPLAINT SHALL BE REFERRED TO A MEDIATION  
PROCESS. THE EXECUTIVE BOARD SHALL DRAW UP A LIST OF  
MEDIATORS WHO ARE OPSEU MEMBERS, ARE UNION ACTIVISTS,  
AND WORK OR ARE ACTIVE IN THE SPECIFIC AREA OF HUMAN RIGHTS.
- 18.6 AN AVAILABLE MEDIATOR FROM THE LIST, AGREEABLE TO BOTH  
PARTIES, SHALL BE CONTACTED BY THE EOC, WHO SHALL ALSO  
ARRANGE FOR A MEETING OF THE PARTIES AND REFER THE WRITTEN



COMPLAINT TO THE MEDIATOR. IF THE COMPLAINT IS RESOLVED AT THIS STAGE, THE MEDIATOR SHALL DESTROY THE WRITTEN COMPLAINT AND SHALL NOTIFY THE EOC ACCORDINGLY. ALL CONCERNED SHALL TREAT THE MATTER WITH COMPLETE CONFIDENTIALITY.

- 18.7 FAILING RESOLUTION OF THE COMPLAINT THROUGH MEDIATION, THE MEDIATOR SHALL NOTIFY THE PARTIES IN WRITING TO THIS EFFECT AND SHALL RETURN THE WRITTEN COMPLAINT TO THE EOC. EITHER PARTY HAS THE RIGHT TO REQUEST THAT THE COMPLAINT PROCEED TO THE COMMITTEE STAGE. SUCH REQUEST MUST BE MADE IN WRITING TO THE EOC WITHIN 14 CALENDAR DAYS OF THE DATE THE MEDIATOR NOTIFIED THE PARTIES OF THE FAILURE TO RESOLVE THE DISPUTE. UPON RECEIPT OF SUCH A REQUEST, THE EOC SHALL REFER THE WRITTEN COMPLAINT, AND ALL MATERIAL RELATING THERETO, TO THE OFFICE OF THE FIRST VICE-PRESIDENT/TREASURER. FAILING SUCH A REQUEST, THE EOC SHALL DESTROY THE WRITTEN COMPLAINT AND ALL MATERIAL RELATING THERETO.

#### COMMITTEE STAGE

- 18.8 IF THE COMPLAINT IS BEING PROCEEDED WITH, EACH PARTY HAS THE RIGHT TO NAME A NOMINEE FROM AMONG THE UNION MEMBERSHIP TO SIT ON A COMMITTEE CHAIRED BY THE FIRST VICE-PRESIDENT/TREASURER. THE COMMITTEE SHALL BE DEEMED TO BE PROPERLY CONSTITUTED AND MAY PROCEED TO HEAR THE COMPLAINT EVEN IF ONLY ONE PARTY NAMES A NOMINEE. HOWEVER, IF BOTH PARTIES NAME NOMINEES, ALL THREE MEMBERS OF THE

COMMITTEE MUST BE PRESENT TO HEAR THE COMPLAINT.

- 18.9 THE COMMITTEE SHALL MEET WITH THE PARTIES AS EXPEDITIOUSLY AS POSSIBLE TO HEAR AND INVESTIGATE THE COMPLAINT. BOTH PARTIES ARE ENTITLED TO BE ACCOMPANIED BY A REPRESENTATIVE FROM THE MEMBERSHIP IF THEY SO CHOOSE, AND ARE ENTITLED TO CALL WITNESSES AS REQUIRED.
- 18.10 FOLLOWING SUCH HEARING(S) AND INVESTIGATION THE COMMITTEE SHALL, BY MAJORITY VOTE, MAKE A RULING ON THE CASE AS EXPEDITIOUSLY AS POSSIBLE. IF FAULT IS FOUND, THE COMMITTEE SHALL ALSO STATE THE PENALTY TO BE IMPOSED, BUT NO PENALTY MAY BE IMPLEMENTED UNTIL THE RIGHT TO APPEAL HAS BEEN EITHER EXHAUSTED, WAIVED, OR FORFEITED.
- 18.11 ANY MEMBER FOUND BY THE COMMITTEE TO BE AT FAULT MAY BE PENALIZED BY ONE OR A COMBINATION OF THE FOLLOWING, AS IS DEEMED APPROPRIATE BY THE COMMITTEE: A PRIVATE OR PUBLIC, VERBAL OR WRITTEN APOLOGY, A VERBAL OR WRITTEN PROMISE TO CEASE AND DESIST, A PUBLIC OR PRIVATE STATEMENT OF CENSURE BY THE COMMITTEE, REMOVAL FROM UNION OFFICE OR SUSPENSION OR EXPULSION FROM THE UNION FOR A FIXED PERIOD OF TIME.
- 18.12 EITHER PARTY HAS THE RIGHT TO APPEAL AGAINST THE DECISION OF THE COMMITTEE. SUCH APPEAL SHALL BE MADE IN WRITING TO THE PRESIDENT OF THE UNION WITHIN 21 CALENDAR DAYS OF THE ISSUANCE OF THE COMMITTEE'S RULING. TO ALLOW



FOR THE POSSIBILITY OF AN APPEAL, THE FIRST VICE-PRESIDENT/TREASURER SHALL RETAIN THE WRITTEN COMPLAINT AND DOCUMENTS RELATING THERETO UNTIL THE DEADLINE FOR APPEALS HAS PASSED. FOLLOWING IMPOSITION OF PENALTY OR FOLLOWING A FINDING OF NO FAULT, OR DISMISSAL OF THE CASE THE WRITTEN COMPLAINT AND ALL DOCUMENTS RELATING THERETO SHALL BE DESTROYED. IF EITHER PARTY OR THE FIRST VICE-PRESIDENT/TREASURER FEELS PRIOR TO COMMENCING COMMITTEE HEARINGS, THAT THERE IS A CONFLICT OF INTEREST ON THE PART OF THE FIRST VICE-PRESIDENT/TREASURER, SUCH OBJECTIONS SHALL BE MADE KNOWN AND THE COMPLAINT REFERRED TO THE PRESIDENT OR HIS/HER DESIGNEE.

18.13 UPON RECEIPT OF AN APPEAL, THE PRESIDENT OR HIS/HER DESIGNEE SHALL HEAR THE APPEAL AND ISSUE A RULING AS EXPEDITIOUSLY AS POSSIBLE. THE PRESIDENT OR DESIGNEE SHALL RESTRICT THE REVIEW OF THE EVIDENCE PUT BEFORE THE COMMITTEE, AND THE PROCEDURES AND DECISIONS OF THE COMMITTEE, BUT SHALL NOT CONDUCT THE HEARING ANEW.

18.14 EITHER PARTY MAY APPEAL THE DECISION OF THE PRESIDENT OR DESIGNEE TO THE EXECUTIVE BOARD. THE PROCEDURE FOR SUCH AN APPEAL SHALL BE AS SPECIFIED IN ARTICLE 22.8.1 TO 22.8.4, THE NECESSARY CHANGES BEING MADE.

18.15 IF THE DECISION RESULTING FROM THE PENALTY IMPOSED BY THE BOARD IS THE REMOVAL FROM UNION OFFICE OR SUSPENSION FROM MEMBERSHIP, AN APPEAL CAN BE MADE TO THE CONVENTION AS A LAST RESORT.

18.16 COSTS

THE COST OF SUCH PROCEEDINGS UP TO AND INCLUDING THE COMMITTEE STAGE SHALL BE BORNE BY THE UNION AS PER CURRENT PRACTICE UNDER ARTICLE 22. THE COST OF APPEAL PROCEEDINGS SHALL BE BORNE AS SPECIFIED IN ARTICLES 22.9.1 AND 22.9.2, NECESSARY CHANGES BEING MADE.