

2017 Policy Update in Brief
RE: Workplace Harassment, Violence and Discrimination

Part One

At Kingsway-Lambton United Church, every effort is to be made to ensure an environment whether worship, workplace, or volunteering which is **safe and respectful** to all employees, volunteers, members, adherents, and visitors.

We wish to both manage and to prevent any form of workplace harassment (including sexual), violence or discrimination.

This policy is designed to outline **procedures used** to investigate fairly, any allegations of the above described activities.

Definitions of workplace harassment, violence and discrimination are provided along with **examples** of each. The list is not meant to be exhaustive.

Part Two

This section of the policy describes **procedures** to be followed by a person who believes he/she to have been a victim of workplace harassment, violence or discrimination.

- (1) Ask the person to **stop!**
- (2) **Report** the incident to your immediate supervisor or anyone else in authority.
- (3) Keep a detailed written **record** .
- (4) Ask someone to **help** if you find it difficult to complete the above steps.

Any person who **witnesses** an incident of concern is also asked to follow the steps outlined above.

Part Three

This section outlines the description of, and procedures to be followed by the **Investigating Committee** which will investigate any written complaints. **Confidentiality** of all parties involved will be maintained, as far as possible. Any accused person will be regarded as **innocent until** final determinations are made. It should be noted that **remedies** applied towards perpetrators are expected to be **proportionate** to the behavior displayed as well as being **remedial** in nature.

Support systems from **outside** the church may be called upon as deemed appropriate.

The Committee will honour the requirements of the Ontario Human Rights Code and the Ontario Employment Standards Act.

Remember, this policy is intended to **protect** and to **assist** employees and volunteers.

No incident should be left unreported !

The full policy description may be obtained from the KLUC church office or website.

KINGSWAY-LAMBTON UNITED CHURCH POLICY
WORKPLACE DISCRIMINATION HARASSMENT AND VIOLENCE

September 2017

PART ONE

1.0 Introduction

- 1.1 Kingsway-Lambton United Church (KLUC) is a Pastoral Charge of The United Church of Canada conducting Christian ministry in the Province of Ontario and seeks to foster a workplace environment of safety and mutual respect, free from any form of discrimination, harassment, or violence.
- 1.2 This policy relates to any activities sponsored by or held under the auspices of KLUC. Complaints of workplace harassment of any nature, of violence or of discrimination resulting from such activities will be taken seriously and dealt with in a spirit of compassion and justice.

2.0 Workplace Violence, Physical and Sexual Harassment, Discrimination

- 2.1 KLUC takes a position of **zero tolerance** against any form of workplace violence, harassment or discrimination. Complaints filed against any employee or any individual operating under the auspices of KLUC will be dealt within a fair and just fashion, respecting the rights and sensitivities of both the **complainant** and **accused**.
- 2.2 Workplace Violence – Workplace violence is defined broadly as the exercise of or attempt to exercise, physical force by a person against a worker in a workplace that causes or could cause injury to the worker or their personal property, their family, or their friends. Comments, statements, or gestures which threaten violence occurring outside of the workplace but which have repercussions in the work environment are also included under this policy.
- 2.2.1 Examples of workplace violence include but are not limited to:
- Punching
 - Hitting
 - Throwing objects
 - Pushing
 - Shoving
 - Kicking
 - Stalking
 - Physical restraint
 - Arson
 - Vandalism
 - Sabotage of work or property
 - Threatening gestures or remarks
 - Physical bullying
 - Cutting
 - Shooting
 - Biting
 - Tripping
 - Scratching
 - Screaming

NB. Whether any of the above or other forms of violence constitute workplace violence is dependent on the specific context and circumstances.

2.3 Workplace Harassment – Workplace harassment is defined as engaging in a course of vexatious comments or conduct including unwanted physical, sexual, or verbal conduct against a worker in a workplace that is known or ought to be known to be unwelcome.

2.3.1 Examples of Workplace Harassment can include but are not limited to the following list. Again, this list must be viewed within the context and circumstances of any incident.

- Verbal abuse or inappropriate displays of anger
- Inappropriate jokes made at the expense of others
- Pranks
- Damaging personal property or threats to do so
- Vandalism
- Graffiti
- Shunning
- Scapegoating
- Harmful derogatory or humiliating comments
- Patronizing or condescending remarks or behaviour
- Abuse of authority that undermines someone's performance or threatens his or her career
- Pounding on the wall or desk
- Yelling
- Stalking
- Setting someone up to be unsuccessful as in purposely providing wrong information
- Inappropriate or unfounded threats
- Inappropriate emails or negative social network activities affecting workers
- Malicious and/or intentional wrongfully accusing an individual of workplace harassment
- Interfering with an ongoing investigation by intimidating a complainant, accused or witness, or influencing a person to give false or misleading information
- Any form of actual or psychological reprisal
- Conduct which interferes with a person's performance or creates an intimidating, hostile, or offensive work environment
- Any type of comments prohibited within The Ontario Human Rights Code

2.4 Exceptions

Workplace Harassment does **not** include reasonable or **normal** challenges to work performances or negative job related feedback.

2.5 Sexual Harassment – Workplace behaviour that includes inappropriate sexual comments or conduct is included in the definition of Workplace Harassment under Ontario's Bill 132 amendments.

2.5.1 Example of sexual harassment include but are not limited to:

- Inappropriate or unwanted touching
- Intrusion on a person's personal space¹
- Flirtatious comments
- Lewd remarks made verbally or electronically
- Seductive behaviour
- The display, circulation, or electronic transmission of pornographic, racist, or other offensive or derogatory texts, pictures or off colour jokes.

2.6 Discrimination – Discrimination is any action that can be considered a violation of the Ontario Human Rights Code. KLUC believes that every person has the right to equal treatment with respect to employment or prospective employment within the church or any relationships involving the church.

2.6.1 A position of **zero tolerance** is taken toward any form of workplace discrimination. No employee of KLUC need suffer discrimination because of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, sexual orientation, gender identity, gender expression, age, marital status, family status, disability, or any status contrary to the Ontario Humans Rights Code.

2.6.2 Discrimination can occur in a number of unexpected areas within the workplace including but not limited to:

- Recruiting and selecting staff
- Providing terms, conditions and benefits offered as part of employment
- Determining who receives training or what training is offered
- Determining who is selected for promotion or dismissal
- Disciplinary action

PART TWO

3.0 Procedures

3.1 Procedures to Follow for Anyone Experiencing Workplace Harassment, Violence, or Discrimination – the objective of a complaint resolution mechanism is to ensure that complaints of discrimination, harassment, and violence are brought to the attention of KLUC representatives and are dealt with in an appropriate manner as follows:

- Complaints will be taken seriously
- Complaints will be acted upon promptly when received
- Necessary resources will be applied to resolve complaints
- Decisions and actions taken will be communicated to the parties involved
- Fairness to all parties involved will be of utmost importance

¹ The physical space immediately surrounding someone, into which any encroachment feels threatening to/or uncomfortable for the individual.

3.2 A person who feels that he or she has experienced workplace discrimination, harassment, and/or violence should take the steps described below to file a complaint, or to initiate proceedings, without prejudice or fear of reprisal.

3.3 Follow These Steps

3.3.1 **Step 1. Ask the person to stop!** Do so as soon as you experience any form of unwelcome comment or conduct. Although asking a person to stop may be difficult to do, telling the person that you do not like their actions is often enough to stop the behaviour. Remind the person that their conduct is against KLUC's policy. Further, should you believe that someone who is not a KLUC employee (for example, a church member, visitor, volunteer, supplier, etc.) has subjected you to any form of harassment, violence, or discrimination, please report the incident to your immediate supervisor, minister, elder, M&P member, or Official Board Chair, immediately. Such behaviour is not acceptable and will be dealt with under this policy.

Step 2. Keep a record of the incident(s), including dates, witnesses, your response to the individual and any other pertinent information.

Step 3. If an allegation of workplace discrimination, violence, or harassment is **brought against you**, keep a record of your account of the incident. If you believe that the accusation is unfounded or made in bad faith, discuss the matter with your immediate supervisor, minister, elder, M&P member, or Official Board Chair. Remember, any accused person is considered to be innocent and will be regarded as such, until proven otherwise. All written complaints must be forwarded to the M&P Chair who will notify the **Investigating Committee**.

NB. In the case of **minors** a parent or guardian may initiate a complaint.

Step 4. If the behaviour of concern has not stopped, or if you are not comfortable addressing the issue yourself, as per Step 1, bring the complaint immediately to the attention of your immediate supervisor, minister, elder, M&P member, or Official Board Chair. Remember, a written report must be filed for the Investigating Committee to be activated.

3.4 A designated person from the **Investigating Committee** will be responsible for keeping you informed as the committee works through the formal complaint procedures and any following investigation necessary to solve the complaint.

No unresolved concern should go unreported

4.0 Procedures To Follow Should You Observe or be Made Aware of Workplace Discrimination, Violence, or Any Form of Harassment

4.1 Step 1. Speak up on behalf of the person being harassed, and ask the person to stop. Do so as soon as you directly observe any form of unwelcome comment or conduct. Although this may be difficult to do, taking this action is often enough to stop the behaviour. Remind the person that their conduct or behaviour is against KLUC's policy. At the same time it is your responsibility to inform your immediate supervisor or your M&P representative.

Step 2. Keep a record of the incident as you saw or heard it, as previously described.

Step 3. File the actual report to the M&P Committee representative (see sample from page 7)

Step 4. Offer verbal support to the individual who is the subject of the complaint. Let that person know you will be filing your report of your observations. Some victims of harassment, violence, or discrimination may not want you to take action, out of a fear of reprisal. Reassure the individual that the complaint will be dealt with in as confidential a manner as possible and that they will have an opportunity to comment on, or to participate in, the complaint investigation as the situation warrants.

4.2 A key element to the effective follow through in addressing complaints is the importance of anyone informed of a complaint ensuring that such information is received by the Chair of the M&P Committee. The Chair is then responsible for activating the Investigating Committee.

PART THREE

5.0 The Investigating Committee and its Responsibilities

5.1 All unresolved complaints of Workplace Discrimination, Harassment or Violence, will be taken seriously and will be investigated by the Investigation Committee. Individuals should not take it upon themselves to do their own investigation but are welcome to provide any evidence they feel useful to the Investigating Committee. Any further concerns, on the part of a complainant, arising after a complaint has been filed should be forwarded to the Investigating Committee.

5.2 The Investigating Committee for KLUC will be composed of the following members or their designates:

- A person appointed by Chair of the Official Board
- Chair of the M&P Committee
- The Coordinating Minister (senior minister)

The committee may wish to call upon a specialist to assist with the investigation as and if needed. As well, the committee may also wish to avail

itself of the extensive procedural resources prepared by The United Church of Canada.

- 5.3 Investigations undertaken by the Investigating Committee will be conducted using the provisions described in **The Problem Resolution Policy of the United Church of Canada**. Other applicable policies and procedures developed by the United Church of Canada in any of its courts may also be used, if required.
- 5.4 Each stage in the resolution of a complaint needs to minimize further distress for the complainant and accused and to involve as few people as possible in order to minimize outside concerns and rumours. Every effort will continue to be made on behalf of all parties to maintain confidentiality, to the greatest extent possible.
- 5.5 Again, the accused will be regarded as innocent until all data has been considered and evaluated in rendering a judgment. It is important to remember that the accused will have needs for support and understanding along with the person's rights during such difficult times and is to be supported and advised accordingly.
- 5.6 Upon the conclusion of an investigation, the Investigating Committee may refer the matter to Toronto Conference if deemed appropriate.
- 5.7 The complainant and the accused will be informed of the finding, the reasons for arriving at the conclusions and the remedies rendered. Remedies include but are not limited to admonition, rebuke, suspension, deposition, discontinued service, expulsion, counseling, and other actions as provided for in relevant United Church Policy Manuals.
- 5.8 After a complaint has been dealt with satisfactorily, all written information will be gathered by the Chair of the Investigation Committee, sealed and stored in a safe location.

6.0 Complaint Form

- 6.1 A person who wishes to lodge a complaint or who is assisting someone else to lodge a complaint under KLUC's Workplace Discrimination, and Violence Policy, may use the form included (see page 7) or any other form which includes the same information.
- 6.2 Where assistance is needed in filing a complaint, any complainant should ask for help from their supervisor or M&P representative. Every effort must be taken to ensure the written signed complaint reaches the Chair of the M&P Committee

APPENDIX

1. We are indebted to **Islington United Church and to The United Church of Canada** for sharing their policies on Workplace Discrimination, Harassment, and Violence.
2. With regard to this policy all Ontario laws and statutes take precedence in considering the disposition of any complaints referred to the KLUC's Investigating Committee.
3. It should be noted that **The Ontario Workplace Discrimination Harassment and Violence Policy** is meant to protect **employees** in their work locations. For the purpose of this policy however, it is the intention of KLUC that it be applicable in support of employees, as well as, members of the congregation, adherents, volunteers and anyone deemed to be acting under the auspices of KLUC.
4. As of Sept. 8, 2016 Bill 132 of the Ontario Government requires employers to ensure their policy re: **Workplace Violence Harassment and Discrimination** is updated to include **Sexual Harassment**. The changes also require employers to provide workers with appropriate information and instruction on the new contents of the policy and to provide programs to implement the changes made. These programs are expected to be ongoing to meet obligations to new employees.