

STOUFFVILLE UNITED CHURCH

POLICY WITH RESPECT TO

WORKPLACE HARASSMENT, VIOLENCE AND DISCRIMINATION

[made pursuant to the Occupational Health and Safety Act (OHSA)

- and -

The Ontario Human Rights Code (OHRC)]

1.0 STATEMENT OF PURPOSE

Stouffville United Church is a Pastoral Charge of The United Church of Canada conducting Christian ministry in the province of Ontario. Stouffville United Church seeks to foster a workplace environment of safety and mutual respect, free of harassment, discrimination and violence.

Therefore, the purpose of the Policies set forth below is to implement policies to: (i) manage and prevent Workplace Harassment, Workplace Violence and Workplace Discrimination; and (ii) establish procedures to fairly investigate and adjudicate allegations of Workplace Harassment, Workplace Violence and Workplace Discrimination.

This Policy is not exclusive. An employee reporting alleged Workplace Harassment, Workplace Violence or Workplace Discrimination is not precluded from pursuing his or her rights under the *Ontario Human Rights Code* or other applicable law. Employees also have the right to contact the police.

2.0 POLICIES

2.1 Workplace Harassment: Stouffville United Church takes a position of zero tolerance with regard to Workplace Harassment . No United Church employee in the course of his or her employment, or any volunteer or any other individual affiliated with The United Church of Canada involving an event, service or activity undertaken by or under the auspices of Stouffville United Church. is allowed to exhibit harassing behaviour toward employees, congregants, third party contractors or volunteers.

2.02 Workplace Violence. Stouffville United Church takes a position of zero tolerance with regard to Workplace Violence . An act of Workplace Violence by anyone shall not be tolerated.

2.03 Workplace Discrimination. Stouffville United Church takes a position of zero tolerance with regard to Workplace Discrimination. Every person has a right to equal treatment with respect to their employment or prospective employment with Stouffville United Church without discrimination because 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, but Workplace Discrimination does not include conduct which is based on membership, affiliation or adherence to the United Church of Canada where such membership, affiliation or adherence is a reasonable and *bona fide* requirement because of the nature of the employment.

3.0 REMEDIES

3.1 With respect to Employees: Subject to section 3.3, should an employee be found after a fair process as set out in these policies, to have perpetrated an act of Workplace Harassment, Workplace Violence or Workplace Discrimination, such employee may be subject to remedies in response to and proportionate to that employee's behaviour, including termination of employment.

3.2 With respect to Volunteers and Others. Subject to section 3.3, should any volunteer or person affiliated with Stouffville United Church or the United Church of Canada involving an event, service or activity undertaken by or under the auspices of Stouffville United Church engage in Workplace Harassment, Workplace Violence or Workplace Discrimination, such person shall be subject to remedies in response to and proportionate to that person's behaviour, up to and including removal from office or membership, or the imposition of limitations, restrictions or bans, on a permanent or temporary basis, on participation in events, services or activities undertaken by or under the auspices of Stouffville United Church.

3.3 Remedies may be Expended to Other Pastoral Charges. Sections 3.2 and 3.3 do not prevent Toronto Conference, after due process in accordance with the Policy, from expanding the scope of a remedy to include other Pastoral Charges as determined by Toronto Conference provided always that every remedy must be proportionate to that person's behaviour..

3.3 Remedial Principles: The intent of this policy and procedures is to be remedial and not punitive and should emphasize forgiveness, rehabilitation reconciliation, education, and prevention. Remedial action will be proportionate to the behaviour and may include professional counselling, coaching or training and will consider the following factors among others:

- the degree to which the incident undermines personal dignity, work relationships and working climate;

- any record of previous offences, their nature and degree of severity;
- the effectiveness of the remedial measure in preventing repetition of the behaviour;
- the working relationship of the complainant and the harasser; and
- the effects of the harassment on the complainant

4.0 MEANING AND SCOPE OF “WORKPLACE HARASSMENT”, “WORKPLACE VIOLENCE” AND “WORKPLACE DISCRIMINATION”

4.1 For the purpose of this Policy:

- (a) **“Workplace Harassment”** is committed by a person who “engages in a course of vexatious comment or conduct against a employee of Stouffville United Church in the workplace that is known or ought reasonably to be known to be unwelcome” and may originate from anyone who an employee comes into contact with in the workplace, such as a congregant, another employee or a supervisor, a member of Council or a Committee of Council, an outside contractor, a visitor, or someone with no formal connection to Stouffville United Church who brings violence or harassment into the workplace.

Workplace Harassment pursuant to the Ontario Human Rights Code which is based on race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sexual orientation, gender identity, gender expression, age, record of offences, marital status, family status or disability must originate from Stouffville United Church as the employer, an agent of Stouffville United Church such as Council, any committee of Council or an officer of Council, or from another employee of Stouffville United Church.

- (b) **“Workplace Violence”** means:

- the exercise of physical force by a person against a worker in a workplace that causes or could cause physical injury to the worker;
- an attempt to exercise physical force against a worker in a workplace that could cause physical injury to the worker;
- a statement or behaviour that is reasonable for a worker to interpret as a threat to exercise physical force against the worker, in a workplace, that could cause physical injury to the worker.

Workplace Violence may originate from anyone an employee comes into contact with in a workplace, such as a congregant, another employee or a supervisor, a member of Council or a Committee of Council, an outside contractor, a visitor, or someone with no formal connection to Stouffville United Church who brings violence or harassment into the workplace.

- (c) **“Workplace Discrimination”** means discrimination with respect to a person’s employment because 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, contrary to the Ontario Human Rights Code.

4.2 Examples of Workplace Harassment: Workplace Harassment can include, but are not limited to the following list, but this list is not to be interpreted literally. Whether any of these examples constitutes Workplace Harassment is dependent on the context and circumstances.

- Inappropriate or unwanted touching
- Intrusive invasions of personal space
- Inappropriate jokes (i.e., jokes made at the expense of others including race, gender, weight, sexual orientation, hair colour such as “dumb blond”, etc.)
- Pranks
- Flirtatious comments
- Damaging personal property or threats to do so
- Vandalism
- Graffiti
- Pornographic pictures or websites
- Lewd remarks made verbally or electronically
- Shunning
- Scapegoating
- Derogatory comments that are hurtful
- Patronizing or condescending remarks or behaviour
- Humiliating comments
- Abuse of authority that undermines someone’s performance or threatens his or her career
- Seductive behaviour
- Pounding the wall, desk
- Yelling
- Stalking
- Setting someone up to be unsuccessful, i.e., providing wrong instructions on purpose
- Inappropriate or unfounded threats, i.e., “If you don’t come out to bible study with us, Council of the Church may not see you as a team player and who knows what that will do to your career.”
- Extremely inappropriate emails or social networking activities affecting other workers

Workplace Harassment also includes maliciously and/or intentionally wrongfully accusing an individual of Workplace Harassment except that employees or any other person who,

with good intentions, makes a complaint which they in good faith believe to be Workplace Harassment, will not be subject to disciplinary actions or negative consequences should an investigation prove their complaint to be unsubstantiated.

4.3 Examples of Workplace Violence: Workplace Violence can include, but are not limited to the following list, but this list is not to be interpreted literally. Whether any of these examples constitutes Workplace Violence is dependent on the context and circumstances

- Punching
- Pushing, Shoving
- Throwing an object at someone
- Pushing an object into someone
- Cutting
- Shooting
- Biting and Scratching
- Tripping others deliberately
- Attempts to do physical harm,
- Verbal threats with intent to cause physical harm

4.4 Exception – Workplace Harassment: Workplace Harassment does not include reasonable challenges to work performance or negative job-related feedback. Extremely inappropriate or harmful delivery of criticism or expectations may meet the criteria of harassment. Workplace behaviour that includes inappropriate sexual comments or conduct is included in the definition of workplace harassment.

5.0 PREVENTION

5.1 It is understood by Stouffville United Church that Toronto Conference will disseminate information about harassment in the workplace to all ministries, including the following topics:

- Clearly displaying a copy of the Harassment Policy in a central location accessible and visible to all employees, such as a bulletin board.
- Educating all employees and new employees/volunteers/Board Members, etc. on all aspects of the legislation including:
- What response is an employer required to provide all “workers” under this legislation?
- Risk factors for harassment in the particular church or workplace
- How is your workplace vulnerable? How are your employees vulnerable?
- New employer obligations and new employee responsibilities under the act
- Definition of Harassment
- Examples of workplace harassment
- What to do if an incident of harassment occurs in your workplace
- Other aspects of the legislation defined and explained:

- Domestic Violence in the Workplace – duty to report, response to the victim, protecting other employees
- Duty to advise workers
- Organizational limits to confidentiality
- Right of refusal to work
- Employer response to a refusal to work
- Notice of violence causing injury
- Protection of evidence
- Emergency response procedures
- Duty of workers and supervisors to report
- Personal liability
- Corporate liability
- Providing written instructions on Workplace Violence and Harassment procedures and measures.
- Regularly providing new and updated information to employees to ensure a consistent reinforcement of the importance of minimizing and preventing violence in the workplace.

6.0 ROLE OF THE MINISTRY AND PERSONNEL COMMITTEE

6.1 **Responsibilities:** The Ministry and Personnel Committee of Council of Stouffville United Church will:

- (a) exercise its responsibilities regarding employment in Stouffville United Church free of Workplace Discrimination;
- (b) implement prevention programs which involve all employees' cooperation to minimize Workplace Harassment, Workplace Violence and Workplace Discrimination, and to create a safe and secure work environment in the workplace;
- (c) implement safety and security responses should Workplace Harassment or Workplace Violence occur;
- (d) provide a copy of this policy to employees;
- (e) provide to employees and keep available within the workplace written guidelines explaining how to report allegations of Workplace Harassment, Workplace Violence or Workplace Discrimination, including a statement that any member of the Ministry and Personnel Committee should be contacted forthwith if an incident of harassment occurs;
- (f) inform employees of the right to refuse to work with a perpetrator or person who an employee has reasonable basis to believe is a potential perpetrator of Workplace

Harassment or Workplace Violence, provided that at such time or within a reasonable time after refusing the work, a complaint is made to the Ministry and Personnel Committee in order that it can be dealt with in accordance with these Policies;

- (g) undertake risk assessments which will survey and assess workplace vulnerabilities, and in doing so, employees will be consulted and engaged in the discussion and take appropriate action to control areas of risk identified in such assessments; and
- (h) review this Policy not less than once each year in accordance with section 32.02(1) of the OHSA, and make recommendations to Council if amendments and modifications are deemed appropriate.

7.0 CONFIDENTIALITY

7.1 Recognizing disclosure of unfounded allegations, or disclosure of sensationalized and exaggerated factual allegations, may seriously and detrimentally affect an accused person's employment, livelihood, family relationships and reputation in the community, all persons within Stouffville United Church and Toronto Conference with responsibility to address the allegations on the part of identified or identifiable individuals in accordance with this Policy will not disclose or publicize such allegations except to the extent necessary to prepare confidential incident reports, to undertake impartial investigations and due process for persons who have been accused.

8.0 DUE PROCESS AND PROCEDURES

8.1 **Referral to Ministry and Personnel Committee:** Employees will be directed to make any complaints regarding Workplace Harassment, Workplace Violence and Workplace Discrimination to the Ministry and Personnel Committee, except where the complaint is with respect to the Ministry and Personnel Committee or a member thereof, the complaint will be made to the Chair of Council, who shall in such circumstances exercise the duties of the Ministry and Personnel Committee in section 7.2 concerning the management of such complaint.

Any complaints made by persons who are not employees shall be referred to the Ministry and Personnel Committee.

8.2 **Role of M&P Committee:** Upon receiving a complaint, the sole role of the Ministry and Personnel Committee is to make such enquires or investigations, as discretely as possible in the circumstances, to decide whether there is a reasonable basis or grounds upon which a finding that Workplace Harassment or Workplace Violence has been committed. If the Ministry and Personnel Committee decides that:

- (a) that there is a reasonable basis or grounds which may reasonably support a finding that Workplace Harassment or Workplace Violence has been committed, it shall refer the complaint to the sub-Executive of Toronto Conference; or
- (b) that there is no reasonable basis or grounds to support a finding that Workplace Harassment or Workplace Violence has been committed, it shall advise the complainant of such conclusion and the reasons for such conclusion. The Ministry and Personnel Committee shall also inform the complainant that if he or she is not satisfied with such conclusion, the complainant may file the complaint directly with Toronto Conference. Such conclusion and advice to the complainant by the Ministry and Personnel Committee may be given orally or in writing, in the sole discretion of the Ministry and Personnel Committee.

8.3 Role of Toronto Conference and Due Process: Toronto Conference is expected by Stouffville United Church to address the allegations by conducting impartial investigations and appropriate due process in accordance with the principles of natural justice and the Manual of the United Church of Canada, and otherwise in accordance with the provisions of this Policy, including without limitation, section 7 (Confidentiality). Prior to declaring a remedy, Toronto Conference may consult in its discretion with the Chair of the Ministry and Personnel Committee, or with the President of Council of Stouffville United Church.

8.4 Determination of Remedy by Toronto Conference. Upon a finding that Workplace Harassment or Workplace Violence has occurred, Toronto Conference may declare a remedy that is in accordance with the principles in Section 3.

8.5 Communication of Decision: Subject to section 8.8, it is expected that Toronto Conference will inform the accused, the complainant, and the Council of Stouffville United Church of its finding and any remedies declared by it,

8.6 Limitations on Communication: To protect a person who is accused of Workplace Harassment, Workplace Violence or Workplace Discrimination, if the complaint is determined to be unfounded, it is expected that Toronto Conference will not inform any persons other than the complainant and the accused without the accused's written consent. Toronto Conference will request that the accused consent to disclosure to the Ministry and Personnel Committee of the judgement dismissing the complaint as unfounded, but the accused is free to refuse such consent.

8.8 Reasons. Subject to section 7.6, Toronto Conference is expected to explain the reasons of any finding that Workplace Harassment, Workplace Violence or Workplace Discrimination has occurred, including reasons for any remedy which has been declared.

Policy adopted by Council of Stouffville United Church on _____, 2013.

Signature of Secretary of Council: _____

Name (Printed): _____