

Violence and Harassment Prevention Policy			
Source: Ad Hoc Committee of members of Kente Presbytery Pastoral Charges	Authority: Church Council or Official Board	Original Approval Date: April 2013 Last Review Date: -	Next Review Date: April 2014
Purpose of Policy: The purpose of this policy is to implement measures, procedures and programs to reduce, manage and prevent violence and harassment in order to foster an environment of safety and mutual respect at all levels of the church between all members, adherents, officers, volunteers, Order of Ministry personnel and employees. This policy has been drafted to ensure that the pastoral charge is in compliance with the violence and harassment provisions (Bill 168) of the Ontario Occupational Health and Safety Act.			
Theological Rationale: We believe that everyone in our church family, including members, adherents, officers, volunteers, Order of Ministry personnel and employees, is entitled to, and should reasonably expect, an environment which is safeguarded against violence and harassment. It is therefore our shared responsibility to establish policies and procedures which help to ensure that each one is treated with kindness, respect and dignity in the name of God. We further believe that everyone in our church family should be held accountable for any behaviour which may reasonably be deemed to cause, or threaten, violence or harassment.			

1.0 Identification:

- 1.1 Eastminster Pastoral Charge (EPC) is a ministry of The United Church of Canada conducting Christian ministry in the Province of Ontario.

2.0 Policy

- 2.1 EPC takes a position of zero tolerance with regard to workplace violence and harassment. Harassment includes, but is not limited to, discrimination based on any of the fifteen grounds identified in Section 4.3.
- 2.2 Should an employee, officer or Order of Ministry personnel perpetrate a threat or act of violence or harassment against others, including but not limited to members, adherents, Order of Ministry personnel, employees or any other person through her/his association with EPC, EPC will exercise measures in response to that person's behaviour, in accordance with provisions of this policy and subject to any relevant requirements of *The Manual of The United Church of Canada*. For Order of Ministry personnel measures may include Presbytery or other discipline. For employees measures may include termination of employment.
- 2.3 Similarly, should any officer or volunteer perpetrate an act or threat of violence or harassment, EPC will exercise measures in response to that person's behaviour, up to and including removal from office or membership, subject to any relevant requirements of *The Manual of The United Church of Canada*.

- 2.4 Responsibility for implementation of this policy shall be vested in one or more “Harassment Education Advisory Responders” (H.E.A.R.) who will be appointed annually by the pastoral charge’s Board/Council on recommendation of its Ministry and Personnel Committee. The H.E.A.R.(s) will ensure awareness of this policy in the pastoral charge and will address incidents of violence, discrimination or harassment, as defined by this policy, by receiving reports of any such allegation or incident.
- 2.5 When H.E.A.R. receives a report or allegation of violence, discrimination or harassment, as defined by this policy, he/she shall immediately initiate the cooperative response process described in Section 8 of this policy.
- 2.6 The H.E.A.R.(s) shall create and promote prevention plans within the pastoral charge with the objective of promoting a safe and secure environment for everyone in, and associated with, the congregation(s).

3.0 Definitions of Violence

- 3.1 To the extent that it is deemed to be a ‘workplace’, EPC, in compliance with the *Ontario Occupational Health and Safety Act*, defines **Violence** as:
 - 3.1.1 the exercise of physical force by a person against another that causes, or could cause, physical injury;
 - 3.1.2 an attempt to exercise physical force that could cause physical injury to another;
 - 3.1.3 a statement or behaviour that may reasonably be interpreted as a threat to exercise physical force that could cause physical injury to another.
- 3.2 EPC defines **Domestic Violence** as the expression of physical force, an attempt to exercise physical force, or a threat to exercise physical force, that could cause physical injury and is perpetrated by one or more family members against one or more family members or significant other.
- 3.3 **Acts of Violence** can include but are not limited to:
 - 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

4.0 Definitions of Harassment

- 4.1 To the extent that it is deemed a ‘workplace’, EPC, in compliance with the *Occupational Health and Safety Act*, defines **Harassment** as “engaging in a course of vexatious comment or conduct against another that is known or ought reasonably to be known to be unwelcome.”
- 4.2 This definition of Harassment does not apply to 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 harassment

4.3 Examples of **harassment** may include, but are not limited to:

- 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 drinking with us the company may not see you as a team player and who knows what that will do to your career.”
- extremely inappropriate e-mails or social net working activities affecting other workers

4.3 In accordance with the Ontario Human Rights Code, EPC provides everyone equal rights and opportunities without discrimination in their job and when providing services. EPC does not, and will not, tolerate discrimination on the basis of the following fifteen grounds:

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| - Race | - Sex |
| - Disability | - Age |
| - Ancestry | - Ethnic Origin |
| - Place of Origin | - Citizenship |
| - Creed | - Sexual orientation |
| - Marital status | - Family status |
| - Record of offences | - By association |
| - Being in receipt of public assistance | |

4.4 Examples of **harassment** as it relates to **discrimination** may include, but are not limited to:

- discriminatory comments or actions
- shunning based on the 15 grounds named in Section 4.3.
- scapegoating based on the 15 grounds named in Section 4.3.

5.0 Prevention

- 5.1 The pastoral charge's H.E.A.R.(s) will regularly disseminate information about violence and harassment by:
- 5.1.1 Clearly displaying a copy of this Violence and Harassment Policy in a central location accessible and visible to all volunteers, officers, Order of Ministry personnel and employees.
- 5.1.2 Educating all new volunteers, officers, Order of Ministry personnel and employees on all aspects of this policy, including but not limited to:
- how it relates to the fifteen grounds of discrimination;
 - what protection the pastoral charge is required to provide all volunteers, officers, Order of Ministry personnel and employees under this legislation;
 - risk factors for violence and harassment within the pastoral charge;
 - what factors may create vulnerability;
 - obligations of the pastoral charge and of all "employees" under the act;
 - definitions of violence and harassment;
 - examples of violence and harassment in the pastoral charge context;
 - what to do if an incident of violence or harassment occurs in the pastoral charge;
 - definitions and explanations of other aspects of the legislation:
 - 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
 - written instructions on Violence and Harassment procedures and measures;
 - regular distribution of new and updated information to ensure a consistent reinforcement of the importance of minimizing and preventing violence and harassment in the pastoral charge;
 - on-going prevention programs which involve all volunteers, officers, Order of Ministry personnel and employees to minimize the risk of violence and harassment in the workplace and create a safe and secure environment;
 - annual "Violence and Harassment" surveys to identify risk factors and incidents;
 - emphasizing safety, dignity and respect as core values of The United Church of Canada; and
 - response procedures should acts, or threats, of violence or harassment occur.

6.0 Measures

- 6.1 The H.E.A.R.(s) shall promote risk and vulnerability prevention through annual safety and procedural checklists relating to violence and harassment issues, as well as survey or other consultation with volunteers, officers, Order of Ministry personnel and employees.
- 6.2 Reports of the annual risk assessment shall be given to the pastoral charge's Board/Council.
- 6.3 The Board/Council shall review the annual risk assessment and take appropriate action to address all identified risks.

7.0 Procedures for Incidents of Violence and Harassment/Discrimination

- 7.1 EPC shall annually appoint and train one or more Harassment Education Awareness Responder (H.E.A.R.) who will act for the pastoral charge to respond to reports or allegations of violence or harassment by initiating the cooperative response procedure described in this policy. The H.E.A.R.(s) shall be responsible for ensuring compliance with all provisions of this policy.
- 7.2 The H.E.A.R.(s) shall ensure that all incidents or allegations of violence or harassment, including the outcome of any investigations, are reported to the Board/Council of the pastoral charge.
- 7.3 All reports concerning incidents or allegations of violence or harassment shall be made with appropriate protection of the privacy of all parties.
- 7.4 Procedures for incidents or allegations of violence are detailed in Appendix A
- 7.5 Procedures for incidents or allegations of harassment/discrimination are detailed in Appendix B

8.0 Remedial Action

- 8.1 The intent of this policy and its procedures is to be remedial and not punitive. Remedial action may include professional counselling, coaching or training with consideration of factors which shall include, but are not limited to:
 - the degree to which the incident undermines personal integrity, 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 relationship of the complainant and the harasser; and
 - the effects of the harassment or discrimination on the complainant.

Note

An employee reporting alleged harassment is not precluded from pursuing his or her rights under the Ontario Human Rights Code (see Ontario Human Rights Harassment Policy).

Employees also have the right to contact the police.

Appendix A: Procedures for Response to Acts, or Threats, of Violence

A.1.0. Prevention

- A.1.1. Following their appointment, the pastoral charge's Harassment Education Advisory Responder(s) (H.E.A.R.) shall receive annual training so that they are aware of the principles and implications of this policy and competent in their role concerning its enforcement.
- A.1.2. The pastoral charge's H.E.A.R.(s) shall ensure that written guidelines are made available to volunteers, officers, Order of Ministry personnel and employees explaining how to report an act, or threat, of violence, and the procedures that will occur once an incident has been formally reported.
- A.1.3. Volunteers, officers, Order of Ministry personnel and employees shall be advised of their right to refuse to associate with a perpetrator, or potential perpetrator, of violence.
- A.1.4. Volunteers, officers, Order of Ministry personnel and employees shall have access to a list of the name(s) and contact information of the pastoral charge's H.E.A.R(s). That list will also provide the name and contact information of the Administrative Secretary of the Kente Presbytery who may be contacted concerning an act, or threat, of violence if the pastoral charge's H.E.A.R.(s) is not known or available.
- A.1.5. The pastoral charge's H.E.A.R.(s) shall facilitate for the Board/Council an annual safety audit of the pastoral charge's building(s) and property for the purpose of identifying circumstances and/or practices which might all a potential risk of violence. The safety audit report shall be given to the Board/Council which shall take appropriate action to eliminate or, as much as possible, minimize any risks of violence which may be identified.

A.2.0. Response

- A.2.1. Volunteers, officers, Order of Ministry personnel and employees shall be advised that, in the event of an act, or threat, of violence, they should first do what is necessary to protect themselves and then, as soon as possible, they should notify the appropriate authorities (police, E.M.S., etc.)
- A.2.3. If the pastoral charge's H.E.A.R.(s) is present when an act, or threat, of violence occurs, they shall act immediately to ensure, as much as possible, the safety of all parties.
- A.2.4. The pastoral charge's H.E.A.R.(s) shall, as soon as possible, initiate a response by the cooperative Harassment Education Advisory Response Team (H.E.A.R.T.) by contacting the Team Coordinator who will immediately recruit H.E.A.R.T. members for a task group to respond to the incident.
- A.2.5. The H.E.A.R.T. task group shall conduct a thorough investigation through the following steps:
 - Inform the Presbytery that a violence investigation is taking place.
 - Contact all the necessary authorities regarding the incident (i.e. police, Ministry of Labour).
 - Consult, as needed, legal counsel for guidance.
 - Conduct interviews with complainants, accused and witnesses separately to obtain incident reports.
 - Compile all previous records of violence by the accused.
 - Compile police reports, if applicable.
 - Compile reports of the complainant.
 - Compile statements from the accused.
 - Review all documentation.
 - Engage in a consensus decision-making process.

- Make recommendations regarding the accused and/or the incident which may include mediation, discipline or termination, as well as other options.
- Prepare a Violent Incident Report which details the actions, observations and recommendations of the H.E.A.R.T. task group concerning the incident.

A.2.6. The H.E.A.R.T. Task Group shall ensure that a Violent Incident Report is completed and transmitted to the Board/Council of the pastoral charge. The Report may include recommendations for policy or other changes which might eliminate or reduce the risk of similar incidents.

A.2.4. The H.E.A.R.T. Task Group shall ensure that the Violent Incident Report is filed with the team coordinator of the H.E.A.R.T. and, if necessary, with the Ministry of Labour.

A.3.0. Follow-up

A.3.1. When a Violent Incident Report describes, or alleges, violent behaviour by a volunteer, officer, Order of Ministry personnel or employee, the pastoral charge's Board/Council, or its Ministry and Personnel Committee, shall take the following steps:

- Provide appropriate resources and support to the victim(s), including facilitating access to necessary medical interventions.
- Inform the accused of the allegation, support options and next steps.
- Inform the complainant of actions which have been undertaken concerning the incident and advise him/her of, support options and next steps.
- Advise all relevant volunteers, officers, Order of Ministry personnel and employees of the Report and next steps.
- Ensure that parties who, with good intentions, provide information about actions they believe to be threatening or potentially violent are not subjected to disciplinary actions should an investigation prove their report to be unsubstantiated.
- Advise parties who are found to have maliciously and/or intentionally wrongfully accused an individual of violence that they may be subject to disciplinary action up to and including removal from office, Presbytery discipline or termination of employment, subject to any relevant requirements of The Manual of The United Church of Canada.

A.3.2. Volunteers, officers, Order of Ministry personnel or employees who are found to be at risk of engaging in violent conduct, or who have engaged in violent conduct, may be subject to discipline, referral to professional program, suspension or dismissal.

Appendix B: Procedures for Incidents of Workplace Harassment/Discrimination

B.1.0. Prevention

- B.1.1. Following their appointment, the pastoral charge's Harassment Education Advisory Responder(s) (H.E.A.R.) shall receive annual training so that they are aware of the principles and implications of this policy and competent in their role concerning its enforcement.
- B.1.2. The pastoral charge's H.E.A.R.(s) shall ensure that written guidelines are made available to volunteers, officers, Order of Ministry personnel and employees explaining how to report an incidence of harassment or discrimination and the procedures that will occur once an incident has been formally reported.
- B.1.3. Volunteers, officers, Order of Ministry personnel and employees shall be advised of their right to refuse to associate with a perpetrator of harassment or discrimination.
- B.1.4. Volunteers, officers, Order of Ministry personnel and employees shall have access to a list of the name(s) and contact information of the pastoral charge's H.E.A.R(s). That list will also provide the name and contact information of the Administrative Secretary of the Kente Presbytery who may be contacted concerning an incidence of harassment or discrimination if the pastoral charge's H.E.A.R.(s) are not known or available.

B.2.0. Response

- B.2.1. Volunteers, officers, Order of Ministry personnel and employees shall be advised that, in the event of an incidence of harassment or discrimination, they should advise the H.E.A.R.(s) of their pastoral charge. If the pastoral charge's H.E.A.R.(s) are not known or available, the complainant should file the complaint with the Administrative Secretary of the Kente Presbytery.
- B.2.3. When a complaint of harassment or discrimination has been made, the H.E.A.R. of the pastoral charge, or the Administrative Secretary of the Kente Presbytery, shall immediately forward the complaint to the Team Coordinator of the cooperative Harassment Education Advisory Response Team (H.E.A.R.T.) who will immediately recruit H.E.A.R.T. members for a Task Group to respond to the incident.
- B.2.4. The H.E.A.R.T. Task Group recruited to respond to the complaint shall conduct a thorough investigation through the following steps:
 - Meet with the complainant to receive details of the complaint and advise him/her of the process for investigation and resolution.
 - Meet separately with the accused to advise him/her of the complaint and the process for investigation and resolution.
 - Advise the accused of his/her right to legal counsel.
 - Inform the Presbytery that an investigation an harassment complaint is taking place.
 - Contact all the necessary authorities regarding the incident (Ministry of Labour, Police *if allegation of criminal harassment*, Ontario Human Rights Commission *if allegation of discrimination*).
 - Consult, as needed, legal counsel for guidance.
 - Conduct interviews with complainants, accused and witnesses separately to obtain incident reports.
 - Compile all previous records of harassment or discrimination by the accused.
 - Compile police reports, if applicable.
 - Compile reports of the complainant.
 - Compile statements from the accused.
 - Review all documentation.

- Engage in a consensus decision-making process.
- Make a report of the incident, including recommendations regarding the accused which may include mediation, discipline or termination, as well as other options.

B.2.5. The H.E.A.R.T. Task Group shall ensure that an Incident Report is completed and transmitted to the Board/Council of the pastoral charge. The Report may include recommendations for policy or other changes which might eliminate or reduce the risk of similar incidents.

B.2.5. The H.E.A.R.T. Task Group shall ensure that the Incident Report is filed with the team coordinator of the cooperative H.E.A.R.T. and, if necessary, with the Ministry of Labour and/or the Ontario Human Rights Commission.

B.3.0. Follow-up

B.3.1. When an Incident Report describes harassing or discriminatory behaviour by a volunteer, officer, Order of Ministry personnel or employee, the pastoral charge's Board/Council, or its Ministry and Personnel Committee, shall take the following steps:

- Provide appropriate resources and support to the complainant.
- Inform the accused of the results of the investigation, the next steps and the support options which may be available to him/her.
- Inform the complainant of actions which have been undertaken concerning the incident and advise him/her of support options and next steps.
- Advise all relevant volunteers, officers, Order of Ministry personnel and employees of the Report and next steps.
- Ensure that parties who, with good intentions, provide information about actions they believe to be harassing or discriminatory are not subjected to disciplinary actions should an investigation prove their report to be unsubstantiated.
- Advise parties who are found to have maliciously and/or intentionally wrongfully accused an individual of harassing or discriminatory behaviour that they may be subject to disciplinary action up to and including removal from office, Presbytery discipline or termination of employment, subject to any relevant requirements of The Manual of The United Church of Canada.

B.3.2. Volunteers, officers, Order of Ministry personnel or employees who are found to have engaged in harassing or discriminatory behaviour may be subject to discipline, referral to professional program, suspension or dismissal.

Appendix C: Terms of Reference for the Cooperative H.E.A.R.T.

C.1.0. Policy

- C.1.1.** A pastoral charge may choose, by action of its Board/Council, to enforce its policy concerning workplace violence and harassment/discrimination in partnership with other pastoral charges.
- C.1.2.** Responsibility for compliance with statutes and regulations regarding workplace violence and harassment/discrimination, as well as any consequent liability, remains with the pastoral charge.

C.2.0. Procedures of the Pastoral Charge

- C.2.1.** Having reviewed its statutory obligations concerning workplace violence and harassment/discrimination, and if it agrees to meet those obligations in partnership with other pastoral charges, the Board/Council of the pastoral charge shall undertake such partnership by motion, duly recorded in its record of proceedings.
- C.2.2.** If it agrees to such a partnership, the Board/Council shall take the following steps:
- Adopt a Workplace Violence and Harassment/Discrimination Policy based on this template.
 - Appoint (annually) one or more Harassment Education Advisory Responders (H.E.A.R.s).
 - Give the names and contact numbers of its H.E.A.R.(s) to the team coordinator of the cooperative Harassment Education Advisory Response Team (H.E.A.R.T.).

C.3.0. Procedures of the H.E.A.R.T.

- C.3.1.** The H.E.A.R.T. shall be comprised of the Harassment Education Awareness Responders appointed by partnering pastoral charges.
- C.3.2.** The members of the H.E.A.R.T. shall annually appoint from their membership a team coordinator who will:
- Give his/her name and contact information to the H.E.A.R.s and Board/Council secretaries of each partnering pastoral charge and to the Administrative Secretary of the Kente Presbytery.
 - Receive and maintain for safe-keeping the records of the cooperative H.E.A.R.T.
 - Provide orientation and training for H.E.A.R.s, including review of the policy template and all procedures regarding complaints, allegations and investigations.
 - Secure, as necessary, assistance with orientation and training of H.E.A.R.s.
- C.3.3.** When the team coordinator of the cooperative H.E.A.R.T. receives an allegation or complaint of violence or harassment/discrimination, he/she shall immediately open a file in which all actions concerning the complaint or allegation shall be recorded. The team coordinator shall then:
- Recruit at least three members of the H.E.A.R. pool, who are not members of the pastoral charge from which the allegation or complaint has been received, to be the H.E.A.R.T. Task Group assigned to investigate and respond to the allegation or complaint.
- C.3.4.** The H.E.A.R.T. shall investigate the allegation or complaint and prepare a report, with recommendations, in accordance with the principles and procedures described in this policy.