

# Occupational Health and Safety Act (OHSA)

## HARASSMENT POLICY

### 1.0 DESCRIPTION

1.01 St. James United Church is a Pastoral Charge of The United Church of Canada conducting Christian ministry in the province of Ontario.

### 2.0 POLICY

2.01 St James United Church ministry takes a position of zero tolerance with regards to workplace harassment. No United Church employee or any other individual affiliated with The United Church of Canada under any circumstances is allowed to exhibit harassing behaviour toward others, including but not limited to employees, congregants, volunteers, visitors, consultants, service providers or any other third parties.

Should an employee perpetrate an act of workplace harassment, St James United Church will exercise measures in response to that employee's behaviour, up to and including termination of employment, subject to any relevant requirements of *The Manual* of The United Church of Canada.

Similarly, should any volunteer perpetrate an act of workplace harassment, St James United Church 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.

2.02 The sub-Executive of Toronto Conference will address incidents of Workplace Discrimination and Harassment by responding to incident reports, conducting investigations, decision making processes and prevention plans with the objective of promoting a safe and secure work environment for all employees.

### 3.0 DEFINITIONS

3.01 St James United Church in compliance with the Occupational Health and Safety Act, defines Workplace Harassment as "engaging in a course of vexatious comment or conduct against a worker in a workplace that is known or ought reasonably to be known to be unwelcome."

This definition of Workplace 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 workplace harassment.

3.02 Examples of workplace harassment can 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 emails or social networking activities affecting other workers

#### **4.0 PURPOSE**

4.01 The purpose of this policy is to implement policies, measures, procedures and programs to reduce, manage and prevent harassment in order to foster an environment of safety and mutual respect at all levels of the church between all employees, co-workers, contractors, visitors, congregants and volunteers.

## 5.0 PREVENTION

5.1 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.

5.2 St James United Church through a designated person or committee will implement an ongoing prevention program that involves all workers’ cooperation to minimize harassment in the workplace and create a safe and secure work environment.

5.3 St James United Church will emphasize safety, dignity and respect as core values of The United Church of Canada.

5.4 St James United Church through a designated person or committee will implement safety and security responses should harassment or the threat of harassment occur.

## **6.0 MEASURES**

6.01 St James United Church through a designated person or committee will ensure risk assessments are implemented and will survey and assess workplace vulnerabilities annually through safety and procedural checklists relating to harassment issues as well as employee surveys.

6.02 Results from risk assessments will be reviewed and areas identified to be of concern must be reported to Toronto Conference.

6.03 St James United Church will take actions to address areas of risk identified in the assessments.

## **7.0 PROCEDURES**

7.01 The sub-Executive of Toronto Conference will investigate and respond to reports of harassment as well as determine actions resulting from a decision. St James United Church will designate a person or committee to be responsible for ensuring compliance regarding form completion and procedures within each Pastoral Charge/Ministry.

7.02 Toronto Conference will make available written guidelines explaining how to report harassment, and the procedures that will occur once an incident has been formally reported.

7.03 Toronto Conference will provide guidance and education on how to respond to an incident of harassment.

7.04 Through Toronto Conference, employees will be advised of the right to refuse to work with a perpetrator or potential perpetrator of workplace harassment.

7.05 St James United will provide workers with a list of who to contact should an incident of harassment occur.

7.06 Toronto Conference will contact the Complainant and Accused separately and inform them regarding the investigation process.

7.07 Toronto Conference will provide guidelines to the complainant should they decide to file a Report of Harassment.

7.08 Toronto Conference will conduct a thorough investigation through the following steps:

- Informing the Presbytery that a workplace harassment investigation is taking place.
- Contacting all the necessary authorities regarding the incident (police, Ministry of Labour).
- Consulting legal counsel for guidance as needed.
- Conducting interviews with complainants, accused and witnesses separately to obtain Incident Reports.
- Compiling all previous records of harassment by the accused.
- Compiling police reports, if applicable.
- Compiling reports of the complainant.
- Compiling Statements and Response from the Accused.
- Reviewing all documentation.
- Engaging in a consensus decision-making process where applicable.
- Making a decision and/or recommendations regarding the accused and/or the incident that can include mediation, discipline or termination, as well as other options.
- Sharing any decision with the Presbytery and other relevant employees who will determine final actions.

## **8.0 RESPONSE**

Toronto Conference will:

8.1 Inform the Accused of the judgment, support options and next steps.

8.2 Inform the Complainant of the judgment, support options and next steps.

8.3 Explain actions coming from the judgment to all relevant employees of the Church, Presbytery and the Toronto Conference, as relevant.

Further processes:

8.4 Employees, volunteers, congregants or others who, with good intentions, provide information about actions they believe to be harassing or potentially harassing, will not be subject to disciplinary actions or negative consequences should an investigation prove their report to be unsubstantiated.

8.5 Employees who are found to have maliciously and/or intentionally wrongfully accused an individual of workplace harassment may be subject to disciplinary action up to and including termination of employment.

8.5.1 Similarly, volunteers who are found to have maliciously and/or intentionally wrongfully accused an individual of workplace harassment may be subject to disciplinary action up to and including removal from office or membership, subject to any relevant requirements of *The Manual* of The United Church of Canada.

8.6 Employees and volunteers who are found to be at risk of engaging in harassing conduct or who have engaged in violent conduct may be subject to discipline, suspension or dismissal.

## **9.0 REMEDIAL ACTION**

The intent of this policy and procedures is to be remedial and not punitive. Remedial action can include professional counseling, 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

### **Note**

An employee reporting alleged harassment is not precluded from pursuing his or her rights under the Ontario Human Rights Code (see separate Ontario Human Rights Harassment Policy). Employees also have the right to contact the police.